United States Court of Appeals

for the Second Circuit

JOINT APPENDIX

76-7042

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P/S

United States Court of Appeals

For the Second Circuit

TAXI WEEKLY, INC.,

Plaintiff-Appellee,

against

METROPOLITAN TAXICAB BOARD OF TRADE, INC., HOSTND PUBLICATIONS, INC., JACK PLOTSKY, ESTATE OF MORRIS HEIT, ESTATE OF GEORGE MCINTYRE, ALFRED ZEFF, MORRIS LEFKOWITZ, MILTON MARKS, LEON MURSTEIN, GERALD NAREN, IRA SUCHMAN and LEONARD SCHAFFRAN,

Defendants-Appellants,

and

TAXICAB BUREAU, INC., EMPIRE TAXICAB COOPERATIVE, INC., INDEPENDENT TAXICAB OWNERS GUILD, INC., UNITED TAXI OWNERS GUILD, INC., BENJAMIN BOTWINICK, SALVATORE BARON, ESTATE OF ALFRED J. MARKS and ESTATE OF NATHAN LEVINE,

Defendants.

UNITED STATES COURT OF APPEALS
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SECOND CIRCUIT

JOINT APPENDIX

VOLUME III OF THREE VOLUMES
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District Court or what?

MR.WENTZEL: It is normally handled by a separate subsequent application for fees.

THE COURT: To what court?

MR. WENTZEL: That is what I am-- I can't recall. I have seen the cases and I just can't recall which court it is.

THE COURT: Does anybody know?

MR. LaTORELLA: Sir, I don't know for sure, but my impression is I believe the Court of Appeals has indicated that they will do it normally and they will appoint a Master if necessary.

I've seen some language to that effect, but I can't certify to that at this point.

Of course, they can also remand it to the District Court anyway.

THE COURT: I am just going to have to tell the plaintiffs I am going to rule on the fee application today, unless there is a reason not to, and I think whatever work there will have to be on the judgment will have to be swallowed.

MR. LaTORELLA: Certainly, sir. I am not asking for any adjournment or anything like that,just to point it out, that's all.

THE COURT: OK, let's go, Mr. Wentzel.

A L A N R. W E N T Z E L, called as a witness in his own behalf, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. JENSEN:

Q Mr. Wentzel, do you have before you the computer printout of time charges in this case of Casey Lane & Mittendorf?

A Yes, I do.

Q Would you identify them to the Court?

MR. JENSEN: I offer them into evidence.

A Let me just identify these for you, your Honor.

This is a computer printout, one of several forms that we get back monthly from a service bureau, in thise case the particular form is entitled "A Matter Report," and the matter is the case of Taxi Weekly v. Metropolitan Taxicab Board of Trade, et al., and it contains all the time charges for our firm in this case monthly.

It begins with the month of June 1970, the last report is November 1975.

We have not yet received the December report back from the service bureau.

Just to explain this briefly, the various headings

on the page indicate, first, the matter number within our firm, that is our file number -

THE COURT: You are starting with the left-hand side, right?

THE WITNESS: Yes. I am starting with the identifying columns on the matter report.

It begins on the left-hand column with the matter number, which in this case is 1993. That is our firm file number.

It has the date on whichwork is performed by an attorney, it has the attorney's number. In this case my number is 40, Mr. Ackerman's number was 118.

It has the rate at which we bill these attorneys. In this case my rate in June 1970 was 90, Mr. Ackerman's was 25.

It then contains a description of the work that was done --

THE COURT: I think that is self-evident.

Let us have this marked as Plaintiff's Exhibit 500, because I know we have a lot of plaintiff's exhibits.

Let us call this Casey Lane Exhibit 1.

xx (Casey Lane Exhibit No. 1 marked for identification)

THE COURT: Has this been redacted so that it

relates solely to the Taxi Weekly matter?

THE WITNESS: Yes, sir.

THE COURT: All right.

It carries up through what date?

THE WITNESS: The end of November 1975.

THE COURT: And it is complete through that date, right?

THE WITNESS: Yes, sir.

THE COURT: OK.

Do you offer it, Mr. Jensen?

MR. JENSEN: It was offered.

THE COURT: Any objection?

MR. DOLINGER: No objection.

THE COURT: All right. Casey Lane Exhibit 1 is received.

(Casey Lane Exhibit 1 received in evidence)

MR. DOLINGER: Your Honor, might I see the exhibit now that it has been entered?

THE COURT: Certainly.

(Pause)

MR. JENSEN: Would it be useful to the Court to take a few minutes to go through these sheets by Mr.Wentzel in case you have questions about anything?

THE COURT: I tell you what. What I need, and

I thought I had the figure you were relying on in your last affidavit, but what I need is the totality of hours in the terms that you originally submitted them, the partner's hours, the senior associate and juniorassociate hours.

MR. JENSEN: I was going to get to that next, your Honor.

THE COURT: Obviously with the updated time sheets--

MR. JENSEN: There are additions.

Q Mr. Wentzel, have you prepared an updated schedule of hours by categories, depending upon the status of the person whose hours they are?

A Yes, sir, I have.

I calculate the total number of hours or I calculated the total number of hours by simply adding up the hours each month, to the end of 1975 --

THE COURT: Wait a minute. It is not the end, it is November 11, isn't it?

THE WITNESS: I am sorry.

THE COURT: November 21. All right. You are right.

THE WITNESS: Well, your Honor, that would simply reflect the fact that between November 21 and November 30 nobody worked on this case.

THE COURT: So this is officially a statement

through the end of November?

THE WITNESS: Yes, sir.

THE COURT: I got you.

All right.

THE WITNESS: At 3510-1/4 hours.

THE COURT: Total?

THE WITNESS: Yes. 3510.25..

THE COURT: All right.

THE WITNESS: And of that time, hours spent by partners totaled 834-1/4.

Hours spent by senior associates, 982-1/4 hours.

Hours spent by junior associates, 1208-1/2 hours.

Hours spent by summer law clerks, 351-3/4 hours.

Hours spent by paralegals, 103 hours.

And hours spent by our managing clerk, 31 hours.

THE COURT: All right.

In Paragraph 14 of your October 28 affidavit you had a reduction for what you called non-lawyer's time.

What are the categories of non-lawyers here?

THE WITNESS: The non-lawyer categories are the summer associates, 351-3/4; the paralegals, 103 hours, and part of the managing clerks, six of the 31 hours was spent by Daniel Maher, who is an attorney.

THE COURT: So you take out 25 of the managing

clerk's hours, right?

THE WITNESS: That is correct.

THE COURT: According to your rates, two things:

Have you figured up the total number of hours remaining after you take out what you consider non-legal or non-lawyers?

THE WITNESS: I didn't make that subtraction. I'm sorry.

THE COURT: Let us try to get it.

THE WITNESS: It is a matter of subtracting, starting with 3510 --

THE COURT: Let us take out fractions.

THE COURT: Starting with 3510 and subtracting 351 for this.

THE COURT: Wait a minute. Let me do this.

I am going to do this, Mr. Wentzel.

I will completely eliminate franctions and I am going to add 834 partners' time, 982 senior associates', 1208 junior associates', and six hours for the lawyer-managing clerk.

THE WITNESS: Right.

THE COURT: I get 3030 hours.

What was your total computer time through the end of November?

THE WITNESS: In hours or dollars?

THE COURT: In dollars.

THE WITNESS: It appears on Exhibit Casey Lane Exhibit 1, the total time charges were $203,953.75.

THE COURT: Going back to your October affidavit, you had 3284 hours spent through September 1975, total time charges of $194,577.75.

Now, you got a few hundred other odd hours spent through the end of November and some $9000 in additional computer dollars, OK?

What was done?

Your affidavit obviously only covers through the end of September. What was done after that?

THE WITNESS: First of all, my recollection is that in that affidavit we took out of the time to September the time we had spent on preparing the attorney's fee application so that the figure that is in my affidavit would be slightly lower than the figures which appear in Exhibit 1.

THE COURT: But still--

THE WITNESS: Not all the difference was spent between September and November, part of the difference had already occurred prior to that time but we had just taken that out.

THE COURT: Here is what I got to get.

I've got to get-- I start now with the total hours and total dollar figure in your Casey Lane Exhibit 1.

I want to get all the deductions that you concede from that so I know where we are starting as far as your contentions are concerned.

I guess one of my first questions is, in that computer time, is there included time and dollars for attorney's fee application?

THE WITNESS: There is included in there 119 hours.

THE COURT: So why don't we start with deductions from 203. OK?

Can you give me the deductions in terms of both hours and dollars?

THE WITNESS: I'm sorry, I didn't add up the dollars on that. It would be approximately $10,000.

THE COURT: How about the hours?

THE WITNESS: The hours were 119 hours.

THE COURT: Attorney's fee application?

THE WITNESS: Yes. That is from July 16 through November 30.

THE COURT: 119 hours?

THE WITNESS: Yes.

THE COURT: And the dollar figure -- I need to know what this gets down to in terms of your computer dollars.

THE WITNESS: I would estimate that would be close to $10,000, because most of that time was my own time.

THE COURT: All right. $10,000 estimate.

What else has to be deducted?

THE WITNESS: There were about 32 hours of tax advice to the plaintiff. I can give you the figures on that.

THE COURT: What is your current billing rate, your personal current billing rate?

THE WITNESS: $120.

THE COURT: In order to figure out the deduction for the attorney's fees, wouldn't I multiply 119 by 120?

THE WITNESS: Not quite, because I had an assistant preparing one of the briefs by a summer associate and that would reduce the average time quite a bit.

THE COURT: All right.

Tax advice, 32 hours, how much?

THE WITNESS: OK. I'm just trying to find the last entry.

$2,400.

THE COURT: Is that an estimate or a --

THE WITNESS: I estimated about 300 of it. I have the precise amount for 28 of those hours before me here. I just couldn't find those other four hours.

The precise amount for the 28 hours is $2151, so the $2400 is going to be about right.

THE COURT: All right.

What else besides those two items do you deduct?

THE WITNESS: The remainder of the work involved the post-trial motions and the interstate commerce issue that has been done since the trial.

THE COURT: I want to get other deductions that you concede should be taken out. I am now trying to track the material in your affidavit of October 28, paragraph 14.

You have an exact figure down to the number of cents for non-lawyers' time. What is the comparable figure now, anything? I mean, is it different or the same or what?

Why don't you look at your affidavit? Maybe the figure has not changed.

You had $10,793.75 non-lawyers' time.

THE WITNESS: That is through the end of September.

I can give you what we had in October and November.

In October and November, non-lawyers' time, there was a total of, rounding it off, seven hours.

THE COURT: Let us call it a total of about --

THE WITNESS: Which in dollars would be $169.

THE COURT: Let us take $11,000,$200 out for non-lawyers' time. OK? That's the figure of $10,000, $793.75 in paragraph 14(a) and a couple of hundred dollars.

THE WITNESS: That's about right.

THE COURT: And you are telling me as far as the lawyers' time since September, excluding the attorney's fee application, has been spent on what, the interstate commerce point?

THE WITNESS: Yes, since September, that's correct. And excluding the tax advice.

THE COURT: Would you be able to tell me -- wait a minute. Let us just get clear because I think this is going to get a little confusing.

The attorney's fee hours are entirely since the trial, of course, right?

THE WITNESS: Yes.

THE COURT: The 32 hours of tax advice, is that also tax advice that has been rnedered since the trial?

THE WITNESS: Yes,sir.

THE COURT: And it does not duplicate the figure

you talked about in your affidavit of earlier tax advice, right?

THE WITNESS: No.

THE COURT: OK.

I tell you,I would appreciate it if you had a copy of your October affidavit because I am going to make reference to it.

Would you look at page 4?

THE WITNESS:Yes, sir.

THE COURT: Look at page 5, at the top.

3264 hours spent through September 1975, I take it that you had deducted from that anything about an attorney's fee application, right?

THE WITNESS: That is a net figure. In other words, the actial time was larger than 3264.

THE COURT: And it was net of work on attorney's fee application?

THE WITNESS: That's right.

THE COURT: And then you further deducted some amounts in paragraph 14 of your affidavit for other items, namely, non-lawyers' time, tax advice, lost claims; right?

THE WITNESS: Correct.

THE COURT: OK.

If we take the 3264 hours as of the end of

September which was net of work on attorney's fee application, the comparable figure as of the end of November would be the 3510 less October and November time on attorney's fee application?

THE WITNESS: It would be 3510 less 120.

THE COURT: The 120 being what, attorney's fee work in October and November?

THE WITNESS: No, total attorney's fee work.

THE COURT: OK. I'm with you.

So we are calling the attorney's fee work 120?

THE WITNESS: Right.

THE COURT: 3390 hours. That means excluding attorney's fee work, you spent, in October and November, 126 hours.

What do you say that was for? 32 of it was for some tax advice which you have already taken out, right?

THE WITNESS: Right.

THE COURT: We took out at a later stage and the rest, you say, was on the work on the Interstate Commerce issue?

THE WITNESS: Yes.

THE COURT: And you filed a memorandum on Interstate Commerce on October 29 responding to -- I don't know what it was in response to, but our office got it on

October 29. OK.

I wonder if you could go through and indicate -- there may not be need to go through all the way, but I would like at least in the initial stages to have you tell me who the non-legal persons are who are excluded.

THE WITNESS: All right. On the time sheets?

THE COURT: Yes, please.

How about Mr. Ackerman?

THE WITNESS: Mr. Ackerman is a summer associate.

THE COURT: So he is excluded from the legal?

THE WITNESS: Yes.

THE COURT: There is a Mr. Faber --

THE WITNESS: Mr. Faber at the time was a senior associate.

THE COURT: Right, $45 an hour.

How about Mr. -- I am not going-- Mr. Blades, $30 an hour, what would that have been?

THE WITNESS: I believe Mr. Blades was a permanent associate at that time.

THE COURT: All right, so that was legal.

THE WITNESS: It is difficult to remember because he worked for us two summers before he graduated.

THE COURT: On the third page, July 1970 --

THE WITNESS: Mr. Duchek and Mr.Ackerman are

both summer associates.

THE COURT: On the next page --

THE WITNESS: In August of 1970, Mr. Maher was our managing attorney.

THE COURT: Did you include Maher as legal time?

THE WITNESS: Yes. That was that six hours out of 32 for managing clerk.

Mr. Kimmel --

THE COURT: Duchek was summer?

THE WITNESS: Yes.

THE COURT: Non-legal, right?

THE WITNESS: Right.

THE COURT: I assume that when we designate somebody as non-legal or you designate somebody as non-legal meaning that you have taken their time out in the net calculations that you have given me, right?

THE WITNESS: In the affidavit.

THE COURT: In the affidavit?

THE WITNESS: I think their time was totalled up in the affidavit,if I am not mistaken.

THE COURT: Paragraph 14 on page 13, the third line from the bottom --

THE WITNESS: Yes, I believe that is correct.

THE COURT: Is there any doubt, because that is

very important?

THE WITNESS: Yes, I know that.

The reason I hesitate is I think there was a combined calculation made there, that is to say, you have non-lawyers' time and you also have time for items that should not be included, say tax advice as an example.

I think what we tried to correct for was not to eliminate the same hour twice, so if we had a non-lawyer working on tax advice for an hour, we didn't deduct an hour for tax advice and an hour for non-lawyer.

Do you follow me?

THE COURT: Yes, I think that is important.

THE WITNESS: I think that paragraph takes that into account.

THE COURT: But you are certain in one way or another you excluded the time of the summer associate, the paralegal and the non-legal time of the managing clerk, right?

THE WITNESS: Yes, sir.

THE COURT: And as of the end of September, that was $10,793, and you have told me that the total amcunt through the end of November is $11,200?

THE WITNESS: I believe those figures are correct.

THE COURT: Where did we get --

THE WITNESS: I have not added them up myself recently, so I am just relying on what I previously said in my affidavit.

THE COURT: We may be repeating something we got.

Did somebody actually go through-- the $10,793.75, was that figure derived from taking the non-legal time in the printout and relevant hourly rates and so forth?

THE WITNESS: Yes.

THE COURT: You gave me a figure a moment ago of $11,200 which was meant to be an updated figure for that kind of thing through the end of November?

THE WITNESS: Right.

THE COURT: I am sorry to say I forget. How does-- is that an estimate or an exact figure?

THE WITNESS: I think I did have to estimate a few hundred dollars of it.

THE COURT: I think it is in the record the way we did that. You gave me the number of hours. OK. I'm clear on that. I had forgotten.

Could we go back to the sheets?

THE WITNESS: Yes, sir.

THE COURT: We have Mr. Kimmel in August 1970.

THE WITNESS: Right. I think in August of 1970 he

was a summer associate. He was later employed as a full time associate, as a lawyer, by us, and his name will appear later on in the time sheets on this case.

THE COURT: But the $25 was the summer associate, right?

THE WITNESS: Yes.

THE COURT: And Mr. Ozanne was a summer associate, right?

THE WITNESS: Yes.

THE COURT: In September 1970 Mr. Morin, $30 an hour, what was his cateogry?

THE WITNESS: He was a permanent associate.

THE COURT: Junior associate?

THE WITNESS: Yes.

Your Honor, I have here a list of the names of evrybody that appears on these time sheets with their category, if that will help you.

THE COURT: Why don't we get that marked.

Mark it Casey Lane Exhibit 2.

xx (Casey Lane Exhibit No. 2 marked for identification)

MR.JENSEN: Did you not mean to enter it into evidence, your Honor.

THE COURT: Let me just look at this.

(Pause)

THE COURT: What does this sheet show? This is Casey Lane Exhibit No. 2 for identification.

THE WITNESS: Yes.

It shows the six categories of personnel and their names and the number of hours that each worked on the case.

THE COURT: Through November?

THE WITNESS: Yes.

THE COURT: What does the back of the sheet show?

THE WITNESS: The back of the sheet, on the top half, shows the number of hours each month total spent on the case, and on the bottom I put down some notes where I made some of the subtractions we have just gone through.

That's where I got these figures from which I just gave you in my testimony breaking down the time between that time and the end of November.

THE COURT: All right. I think this Exhibit 2 ought to be received.

Why don't you show it to Mr. Dolinger?

Look, when the case came to you in mid-1970, it had already been pending for some four years, right?

THE WITNESS: Yes, sir.

THE COURT: The status was what? Was there a

deadline for the completion of discovery?

THE WITNESS: Yes.

As I recall, we were actually retained in June and the deadline was in September of 1970.

THE COURT: Just the main features of the case, if we could get them.

Was that discovery deadline adhered to or did you attempt to get it extended? What happened about that?

THE WITNESS: I believe we obtained one 30-day extension, but at that time there had already been three such extensions. Judge Sugarman refused to give any more.

THE COURT: All right.

So the deadline for discovery was some time in the fall of 1970, the final deadline?

THE WITNESS: Yes, sir.

THE COURT: What went on? You filed a note of issue?

THE WITNESS: Yes.

THE COURT: And some of this deposition describes- let's see, pages 94 to 96. Page 94 of your deposition, you said there was a pretrial conference before Judge Metzner and you say that was probably in the fall of 1971?

THE WITNESS: That's my best recollection, looking

at the time sheets.

THE COURT: What I am trying to get, I just wanted to get a rough idea of the proceedings in the case.

There was a motion for summary judgment for dismissal of the Sherman Act claims on the grounds of lack of interstate commerce, in effect, right?

THE WITNESS: That is correct.

THE COURT: When did that come?

THE WITNESS: I think that was in the fall of 1970.

THE COURT: So with the main events the fall of 1970, the completion of discovery, filing of note of issue and --

THE WITNESS: And the motion on jurisdiction, that's right.

There were a number of discovery motions during that period, too.

THE COURT: I am trying to get the discovery wiped up.

On this computer printout, there are lots of references to a "R" and then there is the word "for" and then "MM."

THE WITNESS: Yes, that would translate for "research for memorandum."

THE COURT: MM means memorandum, right?

THE WITNESS: Yes.

THE COURT: Would you look at the entries for November 1970?

There is a reference to an argument. Was that about discovery or was that about --

THE WITNESS: I am looking at my time and the entry for November 23, which indicates on the 23 I prepared an oral argument on the motion to dismiss, so that would indicate to me that that was the subject matter, jurisdiction motion.

THE COURT: That was decided by Judge Croake?

THE WITNESS: Croake.

THE COURT: He denied the motion.

Do you remember about when he denied it, how long it took him?

THE WITNESS: I believe about a month.

THE COURT: So you think that was all over with in late 1970?

THE WITNESS: Yes.

THE COURT: Then you were preparing for trial, right?

THE WITNESS: That's right.

Well, we were going through that exercise we had to go through of the old form of the pretial order where

you had to stipulate facts and prepare a pretrial order and a pretrial memorandum and all that sort of thing.

That is the next stage that we launched into.

THE COURT: All right, preparing for trial in that way?

THE WITNESS: Yes.

THE COURT: And then you had a conference before Judge Metzner --

THE COURT: I believe on September 22, 1971.

THE COURT: And what did he tell you about trial?

THE WITNESS: At that time my recollection is that he set a trial date early in the year of 1972, in January.

The defendant's counsel asked for about four months' adjournment and he gave it to them.

THE COURT: So he set it for early 1972?

THE WITNESS: Yes.

THE COURT: Then what happened with that trial date?

THE WITNESS: Before that occurred the case was transferred to Judge Stewart.

THE COURT: Wait a minute. Judge Stewart didn't come on the bench until September 1972.

THE WITNESS: Are you sure?

THE COURT: Right. He was sworn in about the time

I came on. I am not trying to get it down to the month. I don't really care about that.

THE WITNESS: That confuses me.

THE COURT: You have entries in early 1972 preparing for trial?

THE WITNESS: Yes.

THE COURT: Drafting charges to the jury in April, preparation for trial in April, listening to tapes, I got relatively little time in the summer months, and then you got increased activity in September.

THE WITNESS: That trial in the beginning of 1972 certainly didn't occur and I can't recall what caused it to be postponed.

THE COURT: But anyway it must have been -- by late 1972 it was over to Judge Stewart.

I assume that Judge Metzner, in one of the cases he disgorged, it went over to Judge Stewart?

THE WITNESS: Yes, yes.

THE COURT: It was certainly before Judge Stewart by the end of 1972, according to these records.

What happened? Did Judge Stewart give you a trial date or what happened?

THE WITNESS: There was a trial date set. Let's see now. It would be early in 1973, then.

THE COURT: So you were trying to get ready for trial in early 1973?

THE WITNESS: Here's the way my recollection runs.

The second time the case came up for trial, Mr. Ruttenberg, who had been handling the case for defense counsel, dropped out and was replaced by Judge Owen, who was in private practice at that time with Mr. Turchin, and then about a year later, when the case was coming up for trial again --

THE COURT: This was early 1973?

THE WITNESS: I had thought that Judge Owen came in-- yes, that's right, early 1973.

THE COURT: In other words, is it correct you were trying to get ready for a trial date early in 1973 after Judge Stewart took over?

THE WITNESS: Right.

THE COURT: And then that was changed because of a change in defense counsel?

THE WITNESS: Right. And it was set for a date in April of 1973. Then Judge Stewart was assigned the Vesco case which, as you may recall, dragged on for some months in the spring, as I recall, of 1973, and we were waiting for him to finish that case so he could give us a trial

date,and as it turned out, that case went right up to about June or so of 1973 and so our case was put off without a trial date at that point.

THE COURT: And then was it called again for trial?

THE WITNESS: Yes. I have to look at the time sheets to see when.

On October 9, 1973, Judge Stewart set the trial for February 19, 1974.

THE COURT: On October 9, 1973?

THE WITNESS: Yes, at a pretrial conference.

THE COURT: He set a trial --

THE WITNESS: For February 19, 1974.

THE COURT: Then what happened?

THE WITNESS: I think we must have found out very quickly that that trial was not going to occur because we spent time preparing again for the trial in October, but if you look at the November time there are only three hours that whole month.

THE COURT: Why didn't that go?

THE WITNESS: For that reason,that got put off.

THE COURT: Judge Owen became a judge; did that have anything to do with it?

THE WITNESS: I think that is exactly what

happened and Mr. Nessen's firm came in.

THE COURT: Mr.Nessen's firm was a completely new law firm for most of the defendants?

THE WITNESS: That is correct.

THE COURT: And then ultimately you wound up with me, right?

Was that next?

THE WITNESS: No. We went through an effort by Judge Pollack to settle the case in June and July of 1974.

Then in October the case was set for trial for the end of November.

THE COURT: 1974?

THE WITNESS: Yes, before Judge Stewart.

THE COURT: Then what happened?

THE WITNESS: Well, it was postponed a week to December 1 or so or December 7 and then it was postponed a month into January and then it got transferred off to Judge Bonsal and then to yourself.

So there were three more trial dates at the end of 1974.

THE COURT: OK.

There are some other isolated points. Nobody has the trial minutes yet, do they? They had not been transcribed?

MR. LaTORELLA: Yes, sir, we do.

THE COURT: You do?

MR. LaTORELLA: Yes, sir. I have a copy which I obtained from Rosenman Colin Kaye on December 23.

THE COURT: All right.

MR. LaTORELLA: And,in fact, sir, that is the basis of my motion, basically.

THE COURT: I tell you. There are the points about these so-called lost claims, the one about the conspiracy about the taxi drivers, the fourth and fifth causes of action.

THE WITNESS: Yes.

THE COURT: Was that an alleged conspiracy to prevent advertising --

THE WITNESS: A conspiracy not to advertise for taxi drivers.

THE COURT: At the trial, that was dealt with rather quickly and rather simply. There is some question in the affidavits about how much work you had done on that issue to prepare for it or what.

Just refresh my memory. What were the grounds for disposing of it at the trial?

THE WITNESS: Lack of proof.

THE COURT: Lack of proof in what way?

THE WITNESS: Well, the problem with that allegation was-- I hate to say this, but we didn't have much proof and we recognized it at the trial. We were not able to put anybody at a meeting or in an agreement with each other and so forth.

THE COURT: My memory is that it was not emphasized in any degree in your briefing, in your discussion before me or at the trial, and although you didn't formally concede on it, it was not a major part of any presentation before me.

THE WITNESS: That is correct.

THE COURT: Did you do any investigation of that, any interviewing of witnesses?

THE WITNESS: No, sir.

THE COURT: Any substantial amount of legal research?

THE WITNESS: No.

THE COURT: On the claim for lost profits, again, did you do any substantial amount of legal research or investigation or discussions with experts?

THE WITNESS: We certainly did legal research because one of the first chores I assigned, I believe, to Mr. Morin when he joined our firm was to give me an extensive memorandum on the proof and presentation of antitrust damages

and it certainly included lost profits as well as the going concern method of calculating damages.

THE COURT: Is there any way to estimate the amount of hours taken on that, without trying to at this point delineate one way or another the legal effect of those?

THE WITNESS: I don't know how you could. To a large degree some of the same cases apply to both areas. I can think of cases.

The Moore case out on the West Coast is the leading case that we relied on and it has both, the leading elements of the two methods of calculating damages, so it is very difficult to break it apart.

THE COURT: You didn't have a separate expert on that subject?

THE WITNESS: No. We had Mr. Kobach.

THE COURT: And he was ready to testify. Was he going to testify on that?

THE WITNESS: Yes.

THE COURT: Was there a substantial amount of work with him?

THE WITNESS: No. He did all the work himself. I think he may have consulted with Mr. Peterman, but there was no work with our office.

THE COURT: On that subject?

THE WITNESS: That's right.

THE COURT: I don't think I received any evidence on that, did I?

THE WITNESS: No, you did not.

THE COURT: I have no further questions of Mr. Wentzel.

MR. JENSEN: May I confer briefly with Mr. Wentzel?

THE COURT: Yes.

(Pause)

MR. JENSEN: I have no further questions.

THE COURT: Do you have any questions?

MR. DOLINGER: Your Honor, I don't see that there is much point in prolonging this analysis of what has gone before and I would have no further questions of Mr. Wentzel.

THE COURT: Mr. LaTorella?

MR. LaTORELLA: If your Honor please, I am representing Mr. Botwinick at this point solely on the motion for a new judgment.

In fact, your Honor, I would like, if I may very briefly, just to protect the record on this, I did not receive the stipulations on interstate commerce. Even now I have not gotten it.

THE COURT: I am talking about the fees.

MR. LaTORELLA: I just want to point out that my participation here is solely on the motion on behalf of Mr. Botwinick. That is the only responsibility I can take.

THE COURT: OK.

I would like to do this. I would like to adjourn, and I think I want you to work out the language of the stipulations on the interstate commerce point, and we will figure out -- I did not expect to have this go beyond a couple of hours this morning and I was late and we have had some -- anyway, we have done what we have done.

I would like you to do two things, Mr. Dolinger:

I want you to call Mr. Nessen, he is available on the phone, get the stipulations worked out; Mr. Pratt will stay. I don't think there is anything, really, to do on that interstate commerce point except to work on the stipulations.

On the fee point, I think you should tell -- I will put this on the record in a little more complete form later on, but I want you to call Mr. Nessen and tell him unless he has a very persuasive reason to the contrary, I think the record is complete now on the fee application.

There have been substantial affidavits, legal briefs, there has been the deposition, there has been testimony here by Mr. Wentzel, there has been an opportunity

for any otherproof and we are finished on that.

As far as my analysis of the point is concerned, I [illegible]nsidered it pretty hard before this morning and [illegible]onsidered it in the light of what has been brought [illegible]s morning.

I haven't heard any specific argument this morning but I have heard the arguments enunciated at great length in the papers and I would certainly be happy to hear any further argument.

But the purpose of my kind of preliminary statement to you now is this:

I believe, subject to hearing views of counsel further, I believe that it is appropriate to start with the time and the hourly charges as reflected in this very complete and very detailed computer printout.

This gives us an analysis of the time far beyond what we have in many of the actions where we have to deal with fees. It gives the precise dollar amount of the fees at different times, I mean the hourly charges at different times and so forth.

It is basically conceded that the so-called non-legal time is out, and that takes out of it $203,000, a sum of $11,200.

We start with the total computer time. I am

just going to round it off to $204,000.

Mr. Wentzel concedes a deduction -- in other words, these are deductions about which there is no argument -- non-legal, $11,200, work on the attorney's fee Mr. Wentzel estimates at $10,000. I will be a little liberal and I will estimate it at $12,000.

He takes out amounts discussed in his affidavit, paragraph 14 -- I am talking, again, about the affidavit of October 28 -- tax advice, $3500. I am doing a little rounding off because I think that the exact dollars and cents are of no consequence.

He takes out another $1500 in the so-called lost claims, namely, the claims about the fourth and fifth causes of action about the alleged conspiracy to not advertise for drivers and the lost profits damage claim.

If I am right, the agreed-to deductions total-- we are adding these figures, $11,200, $12,000, $3,500 and $1500, and that adds up to $28,200, if I am correct.

If we subtract that from $204,000, I get $176,800.

Is that correct?

MR. JENSEN: Yes.

THE COURT: All right. That is $175,800.

Correction. $175,800.

Basically, I have considered very carefully the

criticisms of Mr. Nessen on what we will call these remaining items, and I know that he has criticized the amounts of the hourly rates.

On that I think you should tell Mr. Nessen that I believe that there is no indication to me that these are anything higher than what comparable law firms and lawyers would get. I think they are, in fact, a little on the modest side, but I don't have to make that finding.

I have nothing to indicate that these rates for Mr. Wentzel's time, Mr. Pratt's time and the other people involved are not in accordance with rates charged by comparable lawyers and firms and certainly corresponds to my knowledge of what the charges are and there is no evidence to rebut it.

Secondly, as far as the claim of an exorbitant usage of time, some of that, for instance, the amounts that Mr. Nessen complained about in the summer of 1970, working on motions and so forth, a lot of that was done by summer associates. It is not being asked for here.

In any event, the reason you only charged $25 an hour for a summer associate, you know he is not going to be very efficient. He does not know how to be very efficient. He does not know his way around and he is going to spend a lot of time.

When we get into the junior associates where time is sought in this application, again, it is very difficult for me to criticize the usage of time by a junior associate.

Again, they are only charging $30 or $40 or $45 an hour for his time and it is because he is slower, he does not know as much about how to do things as the fellow they are charging $90 an hour for, and that's all taken into account in the scheme of things.

When we get into the time spent by Mr. Wentzel, I find no -- I don't think there is even an attempt to criticize his usage of time, except in a very broad-gauged fashion that there shouldn't have been so much time spent on getting a trial memo up and in preparing for trial and so forth.

When you get into broad-gauged attack in general terms of saying that it shouldn't have cost this amount of time to prepare for the trial, to try the case, to do the major blocks of work like prepare the trial memo, draft your charges and so forth, a case-- I regard this as-- although it was not a long case, it was not voluminous in the sense that some other kind of antitrust litigations are, we all know that, therefore it didn't take seven thousand hours instead of 3500. That's what it really

amounts to.

But as far as the legal issues, they gave me a lot of trouble, and I think if I were trying to work on the memo of law or even updating the memo of law I would spend a lot of time if I were at a law firm because there really were not cases on point here.

We had cases where the analogies had to be-- either the analogies or non-analogies had to be analyzed very carefully, after very good work by all counsel, it certainly gave me-- the problems gave me a great deal of trouble at the time of the trial and just day after day I was working trying to arrive at an understanding of what the law could be so that I could present it to the jury.

So I regard this as not the most massive case, but as a case of real difficulty, both factually and legally, and through a lot of hard work, we boiled it down to a week or so trial. So I am not prepared to accept any blanket attack on the efficiency or reasonableness of these hours.

Things like the note of issue, in Mr. Wentzel's original affidavit he had 17 hours down for note of issue or something like that.

Well, he was trying to present the work in terms

of the categories. That isn't really the way your time sheets are made out and maybe that was an unfortunate presentation in all, but-- look, the main thing,I have looked over the computer printout and suppose 17 hours was spent on the note of issue, I don't even object to that too much because it sin't a matter of simply whacking out a one-page document; you have got to decide whether it is appropriate to file a note of issue and that may mean a review of several things.

So by and large, I am not persuaded by the criticisms in any substantial degree, and I think we have the benefit of an extremely accurate accounting of the time spent and the hourly charges.

After all the conceded deductions, it comes out to $175,800.

One otherpoint I want to make. Mr. Nessen has suggested taking off two hundred or so hours because of the so-called lost claims.

I have no real evidence to rebut the contention that those so-called lost claims got quite minimal time from the Casey Lane firm. They got minimal time in any contact I had with them. They were disposed of with no real difficulty at the trial. I am not going to attempt to speculate some other great amount of hours spent on

those so-called lost claims.

So I come up with $176,000 computer time before we get into any of the other elements which the cases dictate that I have to consider.

I believe that it is appropriate to award some premium over and above the bare hours and the figure that would be based on the bare hourly rate.

This firm invested a great deal of time. The outcome really depended on the view of the jury on the facts and it depended on the view of the Court on the law.

All of these things were matters of great difficulty. If they had lost, they would have recovered -- I don't know. I think the record indicated that they would have recovered nothing more than their $15,000 retainer, is that correct?

THE WITNESS: Yes. We were paid some time charges on the early discovery.

THE COURT: You would not have been able to bill Mr. Peterman for the hours spent or anything over and above the $10,000, is that correct?

THE WITNESS: That is correct.

THE COURT: So they were investing on a contingency, basically banking on a statutory right to a fee if and when they were successful.

I think a premium here is in order. I am going to tell you that I want to give that a little thought and I want to give you time to call Mr. Nessen.

You can outline these things to him. I will expect everybody but Mr. Wentzel to be back here at 12:30, because I have to go on with another case, and I will take you as soon after 12:30 as I can.

MR. LaTORELLA: If your Honor please, may I very briefly submit some papers, sir, on my motion, if I may?

THE COURT: You can file the papers, sure.

MR. LaTORELLA: Yes. Thank you, your Honor.

They have been served on the other side.

May I ask your Honor very respectfully whether a copy of the transcript has been filed in the record or furnished to the Court?

THE COURT: We have it.

MR. LaTORELLA: Thank you very much.

Your Honor, may I point out very briefly, sir, that Mr. Botwinick's affidavit is on its way from Florida. It was executed Friday and it will be filed just as soon as I get it in the mail.

I will furnish an exemplified copy to the Court, if I may, and it has been served on the other side.

(Recess)

AFTERNOON SESSION

12:30 p.m.

MR. NESSEN: I spoke to Mr. Seymour Lewis of the Rosenman firm. I fear that what has happened here really is a lack of communication. I take some of the onus. Mr. Lewis, he wanted to make certain and was not aware that we have been saying constantly on the record our position in regard to the fact that these proceedings are something that we object to, and that the issues should have gone on to the jury.

I assured Mr. Lewis --

THE COURT: But there was no strenuous objection to the proceeding, as I understood it, so you have your record, but as a matter of practical fact, we were all interested in saving time. But you have your record.

MR. NESSEN: I think the record is clear that we presented the request to charge and a jury issued--

THE COURT: You formally had that request.

MR. NESSEN: Well,whatever the record is, your Honor, the record is. I will not quarrel about that.

Your Honor, as to the stipulation, I had some minor change in language, and there is a preface that I would like to put on it.

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There are some matters that we cannot agree to. I don't think --

THE COURT: Sir, let's get this -- I have notes before me of a pre-trial conference held December 12, 1975. At that time I was shown the guts of these proposed stipulations.

You were there, Mr. Wentzel was there, Mr. Pratt was there, Mr. Dolinger was there. I mean, that is three weeks or so ago. The material was virtually ready for stipulation then. I was interested, and I was trying to have the final hearing on this matter held before the end of the year. I agreed to hold it on January 5th, today, on the condition that it would be brief enough to be handled this morning.

It was the common understanding of everybody present on December 12th that every effort would be made to stipulate to the facts shown there, shown in the materials we were looking at. The idea was that -- and it was assumed by everyone, I am sure, that the stipulations would be in order to be presented today, and that in view of those stipulations, we could conclude our proceedings in an hour and a half or two hours.

That was the kind of comprehensive framework which we had worked out by the time we left court on

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December 12th. I did not expect to have you in again before January 5th, this morning, at 9:00 o'clock, but I was certain that I would be presented at the beginning of the session this morning with signed stipulations. I expected that. I make no secret that to me this was a grave inconvenience that this was not done. I relied on the attorneys to do whatever was necessary. I did not know what was necessary. I did not know who had to agree to them, but I expected to have those signed documents presented.

That is enough of the history, but that is enough for me to make me very insistant that that be done here and now.

MR. NESSEN: Your Honor, may I apologize because, again, it is my fault. I believed that today we were going to deal with counsels' fees. I did not realize that your Honor wanted to wrap up all the issues, including that of the stipulation. Otherwise I would have come back earlier. I had expected to be here and was here on Friday. I thought it would be a simple matter. I believe it is.

THE COURT: Let's clear it up then.

MR. NESSEN: Your Honor, here is my proposal.

I have some language changes that I would like to work out. I don't think we have to worry, your Honor, about them. I think we can work that out shortly. I want

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to apologize. I did not really realize you wanted to close up this jurisdiction too.

In any event, let's do it. What I would like to do, if your Honor would indulge us in this, the stipulation that we entered into, that it be upon one condition only. If by checking the facts with Mr. Pratt we find a mistake of some kind, that we can amend the stipulation. If we can do that, I don't think there is any problem. We can go ahead. Is that inconvenient?

THE COURT: I don't think it makes all that much difference. I think you want to have as accurate a record as possible. I certainly am interested in the same thing. I have expressed this before many times. We were dealing with the interstate commerce point. There is sufficient evidence to create the interestate commerce connection as a matter of law by virtue of the nature of the advertising and so forth here.

If you have one or two ads, in other words, if you make certain corrections that eliminate one or two contingents of the plaintiff about advertising -- I don't think under my view of the case it changes the result. Obviously, however, if you came up to the proposition that the Weekly carried no ads before, that would make a lot of difference. So, if we can do this.

I will accept the idea you present. In the interest of having an accurate record, what we can do today, if this is your proposal, is to agree on the basic terms of the stipulations and on the facts themselves subject to correction within 24 hours.

Is that your idea?

MR.NESSEN: That is my idea, your Honor.

THE COURT: How do you do that? Do we have a document?

MR. NESSEN: There was a stipulation that I got in the mail up in Vermont. I have looked it over, and there are several corrections or amendments and deletions. Your Honor will recognize them. I think we discussed it the last time that some of the material -- what they insist upon here is what they have testified to on the stand, but the guts of he advertising, I'm sure we can stipulate to.

THE COURT: Let's have the document so we have something to talk about. I want to get the stipulation covering all parties.

MR. NESSEN: There is another lawyer, Chris McGrath, and I have to get him on the phone, your Honor. Did you send him a copy, Mr. Pratt?

MR. PRATT: I sent it.

MR. NESSEN: The one other non-Taxi Board defend-

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ant who remained in the case afterwards, do you remember?

THE COURT: That was co-signed and you had Mr. Turchin.

B2 MR. NESSEN: He worked with me, your Honor.

THE COURT: And Mr. McGrath. He represented the independent trade associations and Seth. Was there a verdict against --

MR. PRATT: My recollection is that there was.

THE COURT: In other words, to have a complete stipulation there has to be an agreement on behalf of the counsel for the one or two defendants, right?

MR. NESSEN: Yes.

THE COURT: No, I have a document before me. What changes do you want to make?

MR. NESSEN: Well, your Honor, I would like to preface a stipulation with this language, or something similar, "Without prejudice to the defendants' claims that have been made, that the issue of interstate commerce in subject matter of jurisdiction should have been submitted to the jury or decided upon the record prior to the verdict. Without conceding the relevancy of any information contained in this stipulation, it is hereby stipulated by and between the undersigned."

THE COURT: That is completely useless verbiage.

I assume there is a court reporter taking down everything we have said today. This is simply a stipulation of fact.

At this point I will not revise the first page to say that.

MR. NESSEN: Your Honor, as long as our position is safe on the record that we are entering this stipulation and preserving whatever rights we have before entering the stipulation, I have no objection.

THE COURT: This is simply a stipulation of fact.

MR.NESSEN: But I do want to make sure that we are not conceding the relevancy of any of this.

THE COURT: You have so stated.

MR. NESSEN: I don't have any feeling about it.

MR. LEWIS: If your Honor please, I am Seymour Lewis. I am senior antitrust counsel in the Rosenman firm. I will be responsible with my colleagues in the appeal in this case.

I would like to add to the reservation of rights that Mr. Nessen has just enunciated, our objection to this entire procedure. Our basic position is and will be on appeal that the commerce issue should have gone to the jury. And any development of facts after the jury verdict is entirely immaterial to the issues in this case.

THE COURT: OK, you have your position.

Have you read the record of the trial?

MR. LEWIS: I have not read the record of the trial.

THE COURT: Therefore, you are not familiar how this procedure was developed, are you?

MR. LEWIS: Not-- only second-hand, your Honor .

THE COURT: You have your position, but I don't think there is any particular use in me discussing it with you because you are not that familiar with the way all of this took place.

We won't rehash all of that.

MR. PRATT: Your Honor, I would like to merely add it is my recollection that Mr. Nessen proposed this kind of a procedure, and I want that to be on the record, because the proposal occurred before the trial and it might not otherwise be on the record.

MR. NESSEN: I am sorry, I didn't hear what Mr.Pratt said. Anyway, I am not interested.

It seems to me the record is clear we presented this as a jury issue and your Honor ruled as a macter of law that that was commerce and I don't see what the great problem is.

THE COURT: I don't either. I think it is well

past us.

OK.

What about this stipulation?

MR. NESSEN: Your Honor, the beginning, where it says, "It is hereby stipulated and agreed by and between the unersigned," we want to change what follows after the "that."

THE COURT: OK.

MR. NESSEN: Taxi Weekly, Inc. received the following money for advertisements of a nature described below and those advertisements appeared in Taxi Weekly and Taxi Age, in Taxi Weekly's fiscal year of 1964 and March 31, 1964.

THE COURT: Is that all right?

MR. PRATT: Your Honor, I am not sure exactly how it has more specification than we have put in the draft that is now before us, but to the extent it repeats it, I don't see why we make the change.

MR. NESSEN: I mean, it is plain as could be and I have said it before and I am surprised it appears in your stipulation.

I am sure I mentioned it in front of your Honor on December 12.

We are not conceding nor is it possible that

we ever would concede Taxi Age is a part of the circulation of Taxi Weekly.

THE COURT: I think it sounds to me as if Mr.Nessen's preamble is more accurate than this, more accurate to the extent-- I withdraw the words "more accurate."

It achieves a more objective treatment of the problem which faced us at the trial, and that is whether there is any valid claim on behalf of something called Taxi Age.

We don't want to use this stipulation as a device to slide over that issue. It should be neutral on that issue.

It sounds to me as if -- that is the whole point of your revised preamble?

MR. NESSEN: Absolutely, your Honor, of course.

THE COURT: That is a legitimate objection.

I think from a physical standpoint, this means some retyping.

MR. NESSEN: Yes, your Honor.

There are some other things that I am sure Mr.Pratt--

THE COURT: I would hope that you can get together after this hearing.

It sounds to me, unless there is some pitfall

I don't recognize, that Mr. Nessen's wording is OK on the preamble of the stipulation.

OK. What else?

MR. PRATT: Your Honor, can I ask, it goes through the phrase "in plaintiff's fiscal year 1964."

I take it that he intends also to add the remaining five lines of the preamble. I don't recall those being read.

THE COURT: OK, what about that, Mr. Nessen?

MR. NESSEN: Why do we have to characterize it? Don't we have advertiser, amount of advertising? Why do we need that?

THE COURT: Why do you need that?

MR. PRATT: I think, your Honor, we need -- the purpose of this is to make some sense out of the thing for the record.

THE COURT: No. The columns that you got make sense. They do the thing that was not done when we got together whenever that earlier hearing was.

I, frankly, in the conference we had on the 12th of December, I looked at the columns, I didn't even bother to read the preambles.

The columns do the job as far as the necessary facts, as far as I can see.

MR. NESSEN: I have another problem, your Honor.

When you say non-New York entity, I don't know whether the Rockwell Manufacturing Company was a company that was organized in New York.

THE COURT: You got these columns.

One is the advertiser address, the amount of the advertising, the location from which the advertising was placed, the billing address, the origin of the product advertised and the nature of the product.

That is extremely complete, I think. I don't know how you could mistake the components there.

I would recommend to you that in order to get this stipulated that you drop that general language. It adds nothing, in my view. I would accept the preamble suggested by Mr. Nessen.

MR. PRATT: All right. And I suppose it would end up with the phrase, "and that the facts set forth in the table below" through the end of the sentence; in other words, that these are true facts.

MR. NESSEN: I thought that we said stipulated and agreed to the following.

Whatever it is, we will clean that up, your Honor.

THE COURT: Oh, sure, that's got to be.

MR. NESSEN: Your Honor, just one worry that I want Mr. Pratt to be aware of, the origin of the product advertised.

I assume he knows he can show us some document to show what he says is true there. I have gone on that assumption.

THE COURT: I don't know. I think it is awfully late.

MR. NESSEN: We will see.

THE COURT: I don't expect to have you come back 24 hours from now and say, "The entire column 5 of the stipulation we can't stipulate to because we don't know."

There's where you should have been working before this.

MR. NESSEN: Your Honor, can I show you something so that you can ease your mind on that?

THE COURT: OK.

MR. NESSEN: It seems to me that Mr. Pratt has said where he does not know where the product is manufactured "not known."

I assume there is something that he can show us and we will be liberal on that.

THE COURT: I don't know.

In that column, what does N/A stand for?

MR. PRATT: Not applicable was my intention.

MR. NESSEN: All right.

Your Honor, all of--

THE COURT: Look, Mr. Nessen, I don't assume he's got documents. I assume--

MR. NESSEN: If he has some reliable--

THE COURT: He's got general knowledge that Studebaker is in South Bend, I don't know. We have to use some common sense.

MR. NESSEN: I will warrant, your Honor, that we will use our common sense.

THE COURT: Sure.

MR. NESSEN: Your Honor, the top of page 4, I think I indicated on December 12 is not anything that we are going to stipulate to.

First of all, some of that information, all about the Taxi Owners' taxis, have been in the record 20 times over, but the rest of it, and I'm sure I clearly indicated--

THE COURT: I think you did, yes. That may be something-- Mr.Pratt, you ought to know either whether it is in the record or you got to have Mr.Peterman testify about it?

MR. PRATT: I am sure there is nothing about the conservative cost of $1500, your Honor.

We of course are at a disadvantage in that we don't have a copy of the record at this point and there are certain things aw the end of the stipulation that I think I would like to have Mr. Peterman testify to because I am not sure they are in the record.

About these, I think maybe a number of them are in the record.

MR. NESSEN: And it certainly is irrelevant, I must say.

Your Honor, at the bottom of page 4, the same language that was adopted in the beginning would be used again.

THE COURT: All right, we will use those preambles. That is fine.

MR. NESSEN: Then we will check into the facts, your Honor,on the calculations here.

The same thing would be true on 6, your Honor, as a preamble. It would be a similar preamble.

At the bottom of page 7,these advertisers sell practically all the taxicabs sold in New York City in 1964, I don't know that. I don't think it is relevant at all.

THE COURT: Where are you reading now?

MR. NESSEN: That is right after the columns on page 7, your Honor.

THE COURT: OK.

MR. NESSEN: I would eliminate that.

Then it is hereby stipulated, again, that appears there would be the same verbiage that appears before, and that would be true on page 8, your Honor, too.

MR. PRATT: No. I take it, your Honor, by our silence we are not agreeing to some of these statements.

MR. NESSEN: I warned you about--

MR. PRATT: The phrase on page 7 referred to by Mr. Nessen concerning the sale of taxicabs in the City of New York has not been mentioned before, to my recollection.

I think it is an important one and I don't want by my silence any implied acceptance of Mr. Nessen's reservation.

MR. NESSEN: I think we went over that specifically on December 12, but if not, let me tell you that my understanding is that we are dealing with the advertising and what we know.

If you can show us something that proves this, fine.

I don't think it is very relevant, your Honor.

THE COURT: I don't think it is at all important. In order to have-- I am relying on the Lorain

Journal case. I got that case, I got the language in that case.

I believe that if a newspaper advertises automobiles of the Chrysler Corporation and the Ford Corporation and that substantial amounts of the autos of those corporations are brought into the city of that newspaper and sold there, that is enough to establish the necessary effect on interstate commerce, or whatever the language is, and at least I don't think it is necessary that you say that all of the taxis in New York or almost all are sold by these advertisers. That is superfluous.

If you want to have Mr. Peterman get on the stand-- I am not going to struggle with the defendants, Mr. Pratt, on trying to get stipulations on matters which I am convinced are superfluous.

It is the column, the material in the columns that is the essence of this record, I believe.

MR. NESSEN: Your Honor, can I continue on with page 8?

THE COURT: Yes.

MR. NESSEN: Again, in the middle of the page, your Honor, we would change the language as agreed -- at the bottom of page 7 and page 8. Introducing the columns will follow what we agree on.

THE COURT: I think that is perfectly fine.

MR. NESSEN: Your Honor, on page 9, where it says "While the precise location," that would be out.

Then the next paragraph, again, would follow our format.

Then I think on page 11, your Honor, again, we would follow the format agreed on.

THE COURT: Yes.

MR. NESSEN: That will be true on page 12, your Honor, for that brief column there.

THE COURT: All right. That about does it, doesn't it?

MR. NESSEN: On page 12 there is a whole pile of stuff.

I don't know what Exhibit 51 is. We will check that. If we can agree to Exhibit 51 we will agree to it. The rest of it will not be agreed to and has been testified to -- how many times?

THE COURT: OK.

Mr. Nessen,I have no problem with your basic position. I regard the material in the columns as the essential purpose of the stipulation.

The other materials are, to the extent they have to have testimony, it is not a lot of work or it probably

already in the record.

What you are going to do, then, is to work with Mr. Pratt on getting the preambles to the columns changed and get those columns stipulated.

MR. NESSEN: Yes, your Honor.

THE COURT: Now, and I won't particularly expect anything else to be stipulated to.

Do you want to put on Mr. Peterman to have some testimony?

MR. PRATT: Yes.

THE COURT: OK, let's put him on.

MR. PRATT: Your Honor, I will put him on.

MR. NESSEN: Your Honor, may we have a continu - ing objection to this whole procedure?

THE COURT: OK.

S E Y M O U R L E S T E R P E T E R M A N,

called as a witness by the plaintiff, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. PRATT:

Q Mr.Peterman, in 1964, did Taxi Weekly from time to time obtain news of taxi industry events in states other than New York through reviewing the eight daily newspapers published in New York City?

MR. NESSEN: Your Honor, I object to leading, I object because it is cumulative, I object to the relevancy of it.

I thought we had gone through hundreds of times in this record how news was gathered or not gathered.

THE COURT: We even did that when we were together in September.

MR. PRATT: My only problem is that I cannot recall at this time and not having the record I can't be sure whether the question was asked about 1964.

The defendants have made a point about 1964 being the critical year and I think it is important that the record be complete on that issue.

THE COURT: All right. I will overrule the objection,but I will ask you to -- I expected that you would in some way find out what was in the record already so that we would not need to repeat.

To tell me that you don't know what was in the record, you know-- the trial was closed months and months ago, the transcript has been typed up and, in addition, you got notes or my office has notes.

I know you will try to do this, but please try to restrict it to additional material that is necessary. All right?

Let's go ahead.

MR. PRATT: Your Honor, I am not going to do any more than run down these points right at the end of the stipulation that has already been given to you.

I don't think it will take more than a very short while.

THE COURT: All right. Fine.

MR. NESSEN: If that is the offer of proof, I object, your Honor, to it all on the grounds of relevancy, hearsay and cumulativeness.

THE COURT: Overruled.

MR. NESSEN: And lack of a foundation.

Q Mr.Peterman, in 1964, did news that originally appeared in Taxi Weekly appear, was it disseminated to other publications in other states in the country?

A Yes, it was.

Q Can you tell us at this time any particular publications in which it appeared?

MR. NESSEN: Objection, your Honor.

THE COURT: Overruled.

A It appeared from time to time in publications published by fleets throughout the country, it appeared in two English publications and at times some material appeared in a Canadian publication.

Q In plaintiff's fiscal year 1964, were any copies of Taxi Weekly distributed out of state, sent to purchasers or readers out of state, out of New York?

A Yes.

MR. NESSEN: I will object to that as having two questions rolled up in one.

THE COURT: Just try to help.

That doesn't make a lot of difference to me.

MR. NESSEN: This one it does, your Honor. You got readers and paid and non-paid subscriptions and that is in the case law.

Q In 1964, in fiscal year 1964, were issued of Taxi Weekly distributed to readers outside the State of New York?

A Yes, they were.

Q Can you give us at this time a number, how many issues per week were so distributed?

A Between one and two hundred. Between one hundred and two hundred.

Q Did you have an occasion in 1964, Mr.Peterman, to rever go to the printing plant that printed Taxi Weekly?

A Yes. Starting in June I went there regularly every week.

Q Did you have an opportunity to observe the physical newsprint that went into the printing of Taxi Weekly?

A Yes. There were big rolls stocked up in a storage area in the printing plant.

Q Do you recall today the origin of that newsprint as revealed by looking at the rolls of the newsprint?

MR. NESSEN: I will object to that, your Honor.

THE COURT: Overruled.

A Canada.

Q Taxi Weekly, as I recall it, obtained some of its news through clipping services, is that correct?

A Yes.

Q I believe your testimony previously is that in 1966 or 1967 there were clipping services, in fact, we have introduced it as an exhibit. You had clipping services?

A Yes.

MR. NESSEN: I object to this kind of summary of previous testimony.

THE COURT: Overruled.

Q In fact, I have here Plaintiff's Exhibit 116, which is an envelope bearing those clipping services.

Now in 1964, did Taxi Weekly also have clipping services or individuals who supplied it news?

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A Yes.

Q And were those located outside or were some of those located outside the State of New York?

A Practically all of them were.

Q Were any of the ones that you hadin 1967, which are already in the record, also clipping services in 1964?

A Yes.

MR. NESSEN: I will object to the leading of this, your Honor.

THE COURT: Overruled.

MR.NESSEN: And the relevance.

Q Mr.Peterman,I give you Plaintiff's Exhibit 116, and I wouldlike, if you could, quickly to identify the clipping services in 1969 which also were clipping services in 1964?

A Phil Ackerman of Louisville, Kentucky.

E. E. Gentry of Marthaville, Louisiana.

B. F. Sandberg of Grand Island, Nebraska.

John B. Stewart of La Salle, Quebec, Canada.

Arejas Vitkauskas of Jersey City, New Jersey.

Q Were those the only clipping services that you had in 1964?

A No, they were not.

Q Do you know where the remainder of the clipping

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services were located?

MR. NESSEN: May the record note that the witness has taken out a card from an envelope and is now looking at the card.

Let's have it marked for identification.

THE COURT: All right, have it marked.

THE WITNESS: I am not looking at a card. I am looking at some canceled checks.

MR. NESSEN: Whatever you are looking at. It is hard to see from here.

THE COURT: OK, let's have it marked. Call it Exhibit 200.

MR. PRATT: 200 I think would be safe.

(Plaintiff's Exhibit No. 200 marked for identification)

MR. PRATT: Your Honor, there are additional checks that it might be appropriate to have marked right at this time as well.

(Plaintiff's Exhibit No. 201 marked for identification)

MR. PRATT: Judge, I have one more question.

THE COURT: Ask your one more question.

Q Mr. Peterman, I show you a document that has been marked Plaintiff's Exhibit 203 for identification (handing).

A Yes.

Q I ask you to look, beginning on page 6 and continuing over to page 7 of that stipulation.

There are a series of entities which appear to be car dealers.

Are you familiar with the names of those entities?

A Yes, I am.

Q Were they advertisers in Taxi Weekly in the fiscal year 1964?

A Yes, they were.

Q Did they advertise that they sold taxicabs in New York City in 1964?

A Yes.

MR. NESSEN: Don't the advertisements speak for themselves? We have all of that in the record.

I object to that.

THE COURT: OK. I think so.

Q Did these advertisers sell practically all of the taxicabs in 1964?

A Yes, they did.

MR. NESSEN: I object to that.

I think Mr. Peterman knows, when I make an objection you are not supposed to answer --

THE COURT: How do you know that?

MR. NESSEN: It has happened too many times.

THE COURT: Mr. Peterman, you are saying that the particular dealers listed in this part of the proposed stipulation sold practically all of the taxicabs sold in New York City in 1964, is that right?

THE WITNESS: Yes.

THE COURT: How do you know that?

THE WITNESS: Because the dealers, in order to sell the cabs, would advertise them in Taxi Weekly. Not all car dealers sold cabs. It was a specialized kind of thing.

THE COURT: I don't see that this is worth spending five minutes on. It is not necessary to your case.

I don't know. There may have been a big source of used cabs. I haven't the faintest idea and I don't want to go into it, Mr. Pratt.

Mr. Pratt, I don't think it is of any utility and I am just not going to hear that testimony. I am not going to get into that issue.

MR. PRATT: I have no other questions.

THE COURT: All right.

I do want to know about this material at the

top of page 4 of the proposed stipulation.

I know that we have in the record the approximate number of the medallion taxicabs in New York City at ten or eleven thousand, whatever it was. That I know is in the record.

Was it not?

MR. NESSEN: Yes, I think it is.

MR. PRATT: If not,I think it was stipulated.

MR. NESSEN: That was withdrawn, but then again, we have had it five times.

MR. PRATT: It is now stipulated to in any case.

MR. NESSEN: No, it is not stipulated. Whatever is in the record is in the record.

THE COURT: Do you know about how many medallion-licensed taxicabs there were in New York City in 1964, approximately?

THE WITNESS: Yes. It was somewhat under twelve thousand.

THE COURT: Under twelve thousand?

THE WITNESS: You know--

THE COURT: Between ten and twelve thousand?

THE WITNESS: No, it was about 11,800. You know,just a little bit under 12,000.

THE COURT: A little bit under 12,000. All right, I think the record has that anyway.

Do you have any basis for knowing about how many new taxicabs would be bought per year around 1964?

I want to know whether you would have a basis for knowing that or not?

THE WITNESS: Yes. I would know the exact figure rather than an estimate because each week we published the registration figures in Taxi Weekly and all you have to do is look at the 1964 registration at the end of the year.

THE COURT: Have you made any calculatoin as to the number of new taxicab registrations in the year 1964?

THE WITNESS: The figures are right here on page 4.

THE COURT: Don't read from something.

My question is, did you make any calculation? Have you made such a calculation from the materials you just referred to?

Do you understand my question?

THE WITNESS: I understand the question, yes.

THE COURT: You told me that each month in your publications you listed the number of new taxicab registrations -

THE WITNESS: Each week.

THE COURT: Each week. All right.

Have you in some way arrived at -- strike that.

And that represents the purchase of new taxicabs?

THE WITNESS: One particular column in that tabulation did, yes.

Q And have you reviewed those columns, those tabulations, in connection with this case?

THE WITNESS: I think I did quite some time ago, yes.

THE COURT: Were you able to come up with a figure of how many new taxicabs were purchased in New York per week or per month or per year at the time we are talking about?

THE WITNESS: For the model year of 1964 I believe slightly over six thousand cabs were bought; 1964 model years were bought.

THE COURT: Six thousand 1964 model year cabs, meaning new cabs?

THE WITNESS: That is right.

THE COURT: What was the basis for your six thousand figure?

THE WITNESS: The data came from the Hack Bureau of the Police Department of the City of New York,

who were then the supervising agency of the taxicab industry. That data was published each week in Taxi Weekly.

THE COURT: So in order to verify the figure you have just given, you would just take the relevant column and add the figures in your paper, right?

THE WITNESS: Right.

THE COURT: And that's how you would come up with this figure of six thousand?

THE WITNESS: Yes. There was actually a tabulation in the paper of the sum total.

THE COURT: Of the sum total. All right.

MR. NESSEN: Your Honor, may I have an objection and a motion to strike all this testimony?

I did not want to interrupt.

I think it is insufficient foundation. It does not satisfy the sharp rule under the Federal Rules of Evidence and I just think that it is also totally irrelevant.

So I move to strike it, with apologies.

THE COURT: Suppose it is relevant to determine the dollar volume, approximately, of new taxis purchased in New York for the period of 1964 or thereabouts, what do you suggest is the proper way to prove that?

MR. NESSEN: Your Honor, I haven't given it any thought.

THE COURT: That's what I thought.

And you wouldn't have had your firm do any work to check out these figures in any way so that we could come up with a stipulated settlement, right?

MR. NESSEN: No, I wouldn't say that we wouldn't have done that, your Honor.

I presume that there was a basis for something that was written in a proposed stipulation, and if it is--

THE COURT: You see, you came into court on December 12 and I think you announced you couldn't stipulate to this.

MR. NESSEN: I said I wouldn't, your Honor.

THE COURT: What?

MR. NESSEN: I think I said on that particular- outside the columns, that there was material that I really would not want to stipulate to.

THE COURT: It isn't a matter of what you want to do, it is something that is practical that you could sensibly check to see.

In other words, we all know that ultimately we could probably have witnesses from the Hack Bureau or the Police Department or the Motor Vehicle Department come in here and I'm sure we would get unquestionably competent evidence as to the number of new taxis purchased and

registered in New York City in the year 1964 and the approximate dollar value.

MR. NESSEN: Yes, sir.

THE COURT: At least we would know definitely whether it was ten or a thousand or five hundred.

Neither you nor I nor Mr. Pratt want to have, if possible, have to have witnesses come in from the Motor Vehicle Department and so forth and have to labor through all of that.

I think it may be relevant to know whether it is ten taxis or six thousand. I don't think it is particularly relevant to know whether it is six thousand versus 5895.

This is the normal type of cooperation that I expect from counsel, that is, they don't waive any legal argument, but they assist the Court in simplifying the resolution of the factual problems.

MR. NESSEN: All I can say is, your Honor, if Mr.Pratt or someone made these calculations from some documents, we will be very liberal in allowing those documents' authenticity, but we have got to be shown.

When a witness says, with due deference, that "I believe some time I checked it," that really isn't what we want.

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With due deference, I would like to say it is OK, but I have a problem agreeing to it.

THE COURT: I am going to expect you to work with Mr. Pratt on stipulating the approximate number, because we are not interested in down to the last ten or a sozen, the approximate number of new taxis purchased in New York City in the relevant period per year or whatever can be done and the approximate dollar value.

That, it seems to me, if you have to go to the Motor Vehicle Department or wherever you want to go, but I have a feeling from a practical standpoint that probably what the Hack Bureau told Peterman and what he printed in his paper every week is probably a pretty good source.

I have not looked up the Federal Rules of Evidence to check whether that is the right way because, you know, we are trying in some way, unsuccessfully, to get facts established.

MR. NESSEN: Your Honor, I am sure the reliability in some way -- I am not a stickler nor do I think the federal rules require it.

THE COURT: I expect you to work out as part of your stipulation the material on page 4.

MR. NESSEN: We shall attempt in good faith, your Honor.

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THE COURT: All right.

What else do we have?

MR. PRATT: I have no other questions, your Honor.

CROSS-EXAMINATION

BY MR. NESSEN:

Q Could I see the material which was marked here that you looked at?

A Yes. (Handing).

Q Mr.Peterman, have you got the checks for all of 1964 for Taxi Weekly, Inc. that were issued?

A I believe I may have.

Q How did you pay all your clipping services?

A By check.

Q And you said in 1967, as noted in one exhibit in 116, that a great many of the clipping services that were at work in 1967 were at work in 1964, is that correct?

A Yes. The ones that I enumerated, yes.

Q How did you pay them?

A In 1967?

Q 1964.

A In 1964? By check.

Q And do you have those checks?

A I pulled out the checks from one day's payments

and there were ten checks.

Q From one day's payments?

A That's right. A day in December of 1964.

I signed ten checks for various clipping services.

Q And can you coordinate them to these clipping services that you had identified in 106?

A They were all together. They were taken apart for means of Exhibit 200.

These five relate to those five (indicating).

Q You give us Exhibit 200 for identification, which are five checks to clipping services?

A Yes.

I'm sorry. The checks in Exhibit 201, each of those checks written in 1964 relate to clippings received in 1967.

In other words, they were the same services or individuals.

Q And you took it for one day, is that right, one day's checks?

A Yes.

Q Were those clipping services told that some of the advertising or some of the material that they were going to use would appear in a newspaper called Taxi Age?

A No.

Q Do you know how much of the material that appeared from clipping services appeared in Taxi Age as opposed to Taxi Weekly?

MR. PRATT: I object to that question.

THE COURT: Overruled.

A Exactly the same. The papers were the same.

Q Do you know how many came out under the heading, the news stories that came through the clipping, came under the heading of a newspaper called Taxi Age?

MR. PRATT: I object to that question. I think this issue--

THE COURT: Overruled.

A I believe I just answered that question.

I don't understand how that differs from what I just answered.

Q What was your circulation in 1964 of Taxi Age?

MR. PRATT: I object to that question.

A That's on the record.

MR. PRATT: Your Honor, I object to that question.

I think it has already been testified to at the trial.

THE COURT: I think when we get into relative circulations and so forth, if that has not been covered at

the trial, it should have been.

Q When you went down to the print shop and you saw rolls of paper coming out, do you know how much of those rolls were used for printing up Taxi Age as opposed to printing up Taxi Weekly in 1964?

MR. PRATT: I object to that question.

THE COURT: I get your point, Mr. Nessen, but obviously enough paper would be used to print Taxi Age that was required for Taxi Age and enough paper to print Taxi Weekly that was required for Taxi Weekly and it would be proportional to the amount of copies that they printed of each and that should be in the trial record, and I assume it is.

Q When you went down to the printer and you looked at these rolls of paper, did you give them instructions as to how much of them should be used to print up Taxi Age and how much should be used to print up --

A I did not.

THE COURT: Mr. Nessen, this isn't helpful.

How could he give-- he got the papers printed. Whatever was required in terms of paper I assume he didn't order a lot more paper used for one paper than what is required to put the black print on it.

MR. NESSEN: I take it you are sustaining an

objection, your Honor?

THE COURT: Sure I am.

MR. NESSEN: I won't pursue that line.

THE COURT: OK.

MR. NESSEN: But I take my exception.

Q You said that you sent out from 100 to 200 copies of Taxi Weekly out of state,do you remember that, to readers out of state?

A Yes.

Q In 1964?

A Yes.

Q Was that Taxi Weekly or Taxi Age which was sent to people outside the State of New York?

A I don't recall.

Q You have no way of knowing?

A Not at this point.

Q Isn't it a fact that the large bulk of those subscriptions outside of New York went free of charge to the readers?

A I don't know that.

Q Haven't you testified in this trial that that's so?

MR. PRATT: I object. The record --

THE COURT: If he testified, then we don't have

to repeat it.

Q Do you have the subscription books for 1964?

A No.

Q Of Taxi Weekly?

A No.

Q Do you?

A No, I do not.

Q Do you have some subscription books for 1964?

A I don't know what you mean by subscription books?

Q Books that would show who paid what for subscriptions.

A You are asking as opposed to the actual subscriptions for a particular issue?

Q I am asking whether you have records that would show who paid what for subscriptions in 1964, fiscal 1964?

A I don't think I do.

Q You have some books that show that, don't you?

A At this point I really don't know. I don't think--

Q Mr. Peterman, is it a fact that you can remember one person out of state who paid for a subscription of Taxi Weekly in 1964?

A I can't remember twelve years ago the name of one person or --

THE COURT: Look, Mr.Peterman, we can't start that discovery and we can't grope around in this way.

To the extent it is relevant, can you tell me basically by and large whether the 100 or 200 subscriptions or copies sent out of state each week were free or were they paid for?

Do you remember or don't you?

THE WITNESS: My recollection is that there were a combination of both.

THE COURT: In what approximate proportions?

THE WITNESS: I have no idea.

THE COURT: Do you have any records which would show that?

THE WITNESS: I do not think I do, no.

THE COURT: All right. Then we have complted discovery in the case so we will pass that.

Q Mr. Peterman, I want you to give it thought and I will ask once more, isn't it a fact that the large bulk of that 100 to 200 newspapers that went out of state were on free subscriptions?

A I do not know that that is a fact.

THE COURT: All right. That's his testimony.

OK. What else?

Q Can you name any subscribers outside of New York

in 1964 who got free subscriptions?

A Not specifically by name, but I do know that some advertisers --

Q Tell us those advertisers.

A -- got copies of the paper.

Q Who were they?

A I only have -- I can only go by assumption.

I would assume that the major advertisers, like Dodge, Ford, Studebaker, Checker to the extent they did advertise, although by 1964 they were not advertising but once or twice or so a year, Rockwell.

Q And how many were being sent to people like that?

A I don't know.

Q 100?

A I don't know.

Q 150?

A I answered I don't know at this point.

Q But it was close to 100, wasn't it, sent to all these advertisers outside?

MR. PRATT: I am going to object to that.

THE COURT: What difference does it make?

MR. NESSEN: Your Honor, if there is any relevancy to readers outside, it is important to this line.

THE COURT: I think it is a very small point

on any basis.

MR. NESSEN: It is in the record, your Honor. Can't I take two minutes?

THE COURT: Really, it is a quarter of three. I started a hearing at 9:15 this morning and all of a sudden to have extensive cross-examination about a point like this is just out of order.

MR. NESSEN: Your Honor, may I just take --

THE COURT: Do you want to adjourn the hearing until later?

MR. NESSEN: No, just four more minutes, your Honor, if I can. I understand, your Honor.

Q Isn't it fair to say that all the advertisers that appear on this stipulation that was marked 203 for identification, an unsigned stipulation, that all of those advertisers got free copies of Taxi Weekly?

A I can't say for a fact that they did, but I would assume that at least some of them did.

Q And they got more than one copy, too?

A I don't know.

Q Didn't you send more than one copy to Rockwell Manufacturing Company, for example?

A I don't know.

Q You don't remember?

A No.

MR. NESSEN: I have no further questions.

THE COURT: OK.

MR. PRATT: Your Honor, I would just like to offer -- I think we have marked several exhibits today -- 200 and 201, I believe, are the checks.

THE COURT: Any objection?

MR. NESSEN: Yes, your Honor. I think it is totally irrelevant.

THE COURT: I will overrule it.

200 and 201 are received.

MR. NESSEN: I don't know what 200 is myself.

THE COURT: They are checks.

xx (Plaintiff's Exhibits Nos. 200 and 201, respectively, received in evidence)

MR. PRATT: Your Honor, with respect to Plaintiff's Exhibit 203, this is a list of advertisers. I don't want to offer the stipulation, but I would like to somehow, if we can work out a procedure, offer those names.

THE COURT: The stipulation will be entered as a stipulation. The document is here for identification.

MR. PRATT: Thank you, your Honor.

I have no further questions.

THE COURT: All right.

(Witness excused)

THE COURT: Anything else on this?

MR. NESSEN: No.

THE COURT: Aside from the stipulation, the indications are that nobody else has any proof to offer.

I think we intended to introduce a Casey Lane Exhibit 2 for identification, and I will receive that now.

(Casey Lane Exhibit 2 received in evidence)

THE COURT: I will put a statement on the record which hopefully will conclude the proceedings in the District Court, subject only to two things:

(1) I understand that there is a motion by Mr. Botwinick and there will have to be the formal completion of the language of the stipulation as we have discussed.

MR. NESSEN: Did you complete the hearing in matters relating to counsel fees, your Honor?

THE COURT: Right.

MR. DOLINGER: Your Honor, it was my understanding from this morning's proceedings that when you described to me the way in which you were leaning, it was subject to communications with Mr. Nessen and any further response from us concerning the position that you seemed to be taking.

THE COURT: OK, I will see you back at 5:30 tonight if you want a further hearing.

MR. NESSEN: We do, your Honor.

THE COURT: All right, we will finish it up tonight and we will stay as late as necessary. OK.

EVENING SESSION

5:45 p.m.

THE COURT: On the stipulation of the interstate commerce, the way I understand it is that those columns will be stipulated with the preambles that Mr. Nessen suggested and that I will have a stipulation in hand to that effect by the end of the day tomorrow with any corrections that Mr. Nessen finds necessary, right?

MR.NESSEN: Yes, your Honor.

THE COURT: Do you have any comments on the matters that we have raised this morning, and that you were apprised of by telephone, Mr. Nessen?

MR. NESSEN: Yes, I do, your Honor.

Counsel, my associate, informed me of your tentative views on the matter.

I would like to add some material to the record if I may.

THE COURT: Fine.

MR. NESSEN: I would like pages 11 through 12 to line 3 or page 12 of the deposition of Mr. Wentzel read into the record.

THE COURT: Page 11, line 12.

MR. JENSEN: Your Honor, we had the understanding

that the record was closed. I apologize for not being prepared. We don't have a copy of Mr. Wentzel's deposition.

THE COURT: You can look on with Mr. Nessen. The trouble is that something is different on the lines between the ribbon copy that I have and the copy that you refer to.

I have line 11 which starts with: "In a situation, for instance", is that where you are starting?

MR. DOLINGER: The top of page 11 through line 3 of page 12. It deals with charging off bills to clients.

MR. NESSEN: Do we have to read that into the record, your Honor?

THE COURT: No, it is part of it. I have the ribbon copy.

Incidentally, I think these three volumes ought to be marked for identification so that it is part of the record.

MR.NESSEN: I would like to make an offer of the whole thing if I may.

THE COURT: I will not receive the whole thing, but I think the three volumes should be marked as defense exhibits.

MR.NESSEN: I don't know where we are at but shall we start with 200, your Honor?

THE COURT: The defense exhibits are lettered. We will mark this AAA, BBB and CCC, the three volumes of depositions.

MR. NESSEN: I make an offer of the whole thing, your Honor.

THE COURT: All right. I think we did a lot better this morning by being specific.

xx (Defendants' Exhibits AAA, BBB and CCC marked for Identification.)

MR. JENSEN: No objection to the exhibits, your Honor.

THE COURT: All right.

MR.NESSEN: Your Honor, I would like, if I may, to call Mr. Pratt as a brief witness.

THE COURT: Okay. We now have Defendants' Exhibits AAA, BB and CCC marked for Identification. They are the three volumes of the deposition of Mr. Wentzel. I have designated with red ink and in brackets the portions which have been received into evidence.

MR. NESSEN: We can have an exception as to the others, your Honor.

THE COURT: All right. It is all marked.

Mr. Pratt; you may take the stand.

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C H A R L E S M. P R A T T, called as a witness on behalf of the defendants, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. NESSEN:

Q Mr. Pratt, could you tell the Court exactly what role you played in drafting, preparing and taking legal positions with respect to the 4th and 5th causes of action in this case?

MR. JENSEN: Objection, your Honor. It is a vague question.

THE COURT: Overruled. What did you do with respect to the 4th and 5th causes of action before the trial?

THE WITNESS: The complaint was drafted before our firm was retained, so I did nothing regarding the complaint.

I believe that there are sections in the trial memorandum dealing with the 4th and 5th causes of action. I cannot recall doing anything regarding those sections. The defendants, from time to time, have urged the dismissal of the 4th and 5th causes of action.

I have at least on one occasion drafted a memorandum of law in opposition to that. Actually it was in opposition to a portion of the defendants' trial brief.

I may have done other things. That's the extent of my recollection.

THE COURT: Do you have the trial briefs here?

MR.NESSEN: I have a brief one anyway. I will show it to him.

B3 THE COURT: I take it that in your trial briefs you both, both sides, had discussion of the 4th and 5th causes of action.

THE WITNESS: I think we drafted a separate memorandum regarding the so-called motion to dismiss the 4th and 5th causes of action.

We may have referred to it also in the trial memorandum itself.

BY MR. NESSEN:

Q Did you personally do any research with respect to the 4th and 5th causes of action?

A I did.

Q What research did you do?

A Legal research.

Q Well, what did you do, read cases?

A Yes.

Q How many?

A I have no idea. Relatively few. Under 10 I would say, and maybe substantially under 10.

Q You read the memorandum of law of the defendants with respect to the 4th and 5th causes of action?

A I did.

Q You read the cases cited in that?

A At least the relevant portions of them. Maybe all of the cases.

Q With respect to trial preparation, what did you do with regard to the 4th and 5th causes of action in terms of preparing witnesses and preparing factual material?

A I can't recall doing anything regarding preparing witnesses. In the proposed stipulation which time was spent on prior to the trial, there may have been several paragraphs dealing with the 4th and 5th causes of action.

I don't recall that, but I think there may have been, and there probably are very few in number, and I oversaw those -- I drafted them or oversaw those when they were transferred from some prior document in the proposed stipulation.

Q Can you estimate how much time you spent researching for the 4th and 5th causes of action?

A No.

Q Can you give us an idea? Was it three, four, five hours?

A I can't possibly. If you want we have the time

sheets here and we can spend time and I can try and find my entries.

Q Please.

THE COURT: We are having a discovery proceeding. You could have taken the deposition of Mr. Pratt and asked him all the questions you wanted. We have pages and pages of time records which somebody has to go through if we pursue this to determine what records there are about the handling of the 4th and 5th causes of action.

It probably is not even denominated as such.

MR. NESSEN: It is impossible for us, your Honor.

THE COURT: Why didn't you take Mr. Pratt's deposition if you were interested in pursuing this point, or let him know he was to dig this out?

MR. NESSEN: We took Mr. Wentzel's deposition, your Honor. That is what our understanding was, and then looking at what the notices --

THE COURT: But you have had Mr. Wentzel's affidavit since October 29th. Can you tell, I mean without sitting here for the next hour, do you think that you have labeled in the computer printout that is an exhibit here, do you think you have labeled the time you spent on the 4th and 5th causes of action?

THE WITNESS: I'm pretty sure there is nothing

so entitled, your Honor.

THE COURT: When would this have been? You mentioned a couple of events, and maybe we can lead into it that way.

THE WITNESS: I started back in the month of September of 1974. I am now in December of 1974.

THE COURT: You mentioned a motion to dismiss the 4th and 5th causes of action. Was there a formal motion?

THE WITNESS: No, not to my recollection.

THE COURT: In what document was that contained?

THE WITNESS: It appeared in defendants' trial brief.

THE COURT: Where is the trial brief?

MR.NESSEN: I don't have the trial brief with me, your Honor.

THE WITNESS: Your Honor, my recollection is that it was served shortly prior to the November trial date before Judge Stewart.

THE COURT: November of '74?

THE WITNESS: That's right. It may be late October. I just don't know.

MR. NESSEN: Let's see if we can move along my way, your Honor.

BY MR.NESSEN:

Q Is it a fact that whenever it was in our motions at the time or that it prompted you to do some research and write a memorandum of law?

A That's correct.

Q You wrote that memorandum of law, didn't you?

A I believe I did.

Q How many hours did you spend writing that memorandum, do you know?

A I can't estimate it.

Q Four, five? Do you recall how many pages?

A I don't recall how many pages.

MR. NESSEN: Would you mark as our next exhibit the plaintiff's memorandum of opposition to law in Count 1 regarding the 4th and 5th causes of action as DDD?

xx (Defendants' Exhibit DDD marked for Identification)

Q Do you recall writing this memorandum of law, Mr. Pratt?

A I do.

Q Did you have any assistance other than stenographic assistance on it?

A I may have well have had some assistance. I can't recall now, but it is quite possible I had some.

I'm sure that I had some paralegal assistance.

Q You are the only one of counsel on that brief, is that correct?

A That's correct.

Q How many pages is that?

A The last page is numbered 16.

Q Did you do any special research for that particular memoranda?

A I don't know what you mean by special research.

Q Did you set about looking up case law and reading cases and other authorities looking for them in regard to the points that were raised in opposition to the 4th and 5th causes of action?

A Apart from the research that you have already asked me about?

Q No. I mean this one. Just this.

What did you do for this?

A The answer would be I don't recall doing any research on this apart from the research that I have already answered about.

Q Did you do research for this, Mr. Pratt, that is the question?

A In the course of drawing this up I did research. The research I have already told you about.

THE COURT: He told you that he researched the

law, he wrote an internal memorandum, is that right?

THE WITNESS: No, it is a formal court memorandum.

THE COURT: This is the memorandum you talked about a few minutes ago, and this is what you wrote as the result of your search. This is what you were talking about.

THE WITNESS: Yes.

Q How many drafts did this go through?

A I have no idea.

Q It went through more than one draft, didn't it?

A It probably was on yellow sheets at least once.

THE COURT: What is the date of that?

THE WITNESS: Your Honor, we have not dated it I'm afraid.

THE COURT: Where would that be in your time chart, Mr. Pratt?

THE WITNESS: Let me look, your Honor.

THE COURT: What is the date of your memo to which this was founded?

MR. NESSEN: Ours was a trial memo in November. This must have been after the first of the year.

THE COURT: This was 1974, right?

MR. NESSEN: This would be 1975, your Honor.

THE COURT: But November '74 is the November you are talking about.

MR. NESSEN: Yes, your Honor.

MR. DOLINGER: Your Honor, it may be of some help, but in Mr. Wentzel's deposition he seems refer to this memorandum as being put together in June of 1975.

THE COURT: We have Mr. Pratt, and in December of '74 we have drafting -- December 3, 1974, Mr. Pratt read defense memo a quarter of an hour. Then you have got on December 4th and December 5th and December 6th time spent drafting memo and completing memo.

Now, I don't know whether that is this memo. Would you be able to tell me if that is the memo we are talking about?

THE WITNESS: I can't say for certain. I don't believe that this memo in December of 1974, at least the reference here, I don't believe they refer to the one Mr. Nessen has shown me.

Q Apart from what is in the sheets, if it is not denominated, would you kindly estimate to us how long it took you to put together this memorandum of law?

A I think you have asked me that, and I can't estimate it.

Q Well, ten hours, twenty hours? Certainly it was not ten, wouldn't you say?

A I can't estimate it. It could have taken

approximately ten.

Q Could it have taken longer?

A It could have. It could have taken shorter.

Q To do a 15-page memorandum on this point, is that what you are telling the Court?

A That's right.

Q Do you recall how many pages were in your trial memorandum?

A No.

Q Do you recall how many hours were spent just offhand by you on that trial memorandum?

A No. The number would be relatively small in that it was done substantially by some other people.

I spent some number.

Q Did you help draft the trial memorandum that finally got to Judge Griesa?

A I'm sure that I had some role to play in drafting it. How much, it would be hard to recall, but some.

Q Did you play any role in drafting an earlier trial memorandum that was submitted to a judge in this court?

A In this case?

Q Yes.

A You mean in other words an earlier version?

Q An earlier memorandum, if you want to call it

version --

A I probably did work on an earlier draft as well.

Q Was there a memorandum as well as the one that went before his Honor, Judge Griesa, to another judge in this court, and it was served on Judge Richard Owen at the time, do you recall that?

A Well, certainly I can recall serving or drafting a memoranda that was served on Mr. Owen. It was not a trial memorandum as I recall. It was a different kind.

Q I recall seeing trial memoranda.

THE COURT: If we are going into this we ought to have the file here, and then we are not sitting around guessing.

We have all the materials available if anybody wanted to go into this in this kind of detail. We have the file, the memos, the motions filed with the court and what have you. We have the dates and we can work with them, and the time records of the case.

If I was Mr. Pratt on the stand, I could not tell you on litigation that I worked on for five years. It would be almost meaningless to ask me to estimate the time I spent on any subject which occurred on and off. We have the records here.

MR. NESSEN: I understand, your Honor. Is it

my understanding that the record, all that is on file, is deemed admitted here for these proceedings?

THE COURT: No. Now, look. I will tell you right now that I have worked with the materials to which my attention has been directed. I have not gotten out a 10-year old file and attempted to work with that material in assessing these attorneys' fees. I expected that if anything was relevant, it would be brought to my attention, and that, if necessary, it would be pulled out of the files and used in some intelligible way.

You have this particular memo of law, and it has been marked. You can introduce it.

MR.NESSEN: I am offering it into evidence, your Honor.

THE COURT: All right, Defendants' Exhibit DDD is received.

MR. JENSEN: No objection.

xx (Defendants' Exhibit DDD received in Evidence.)

Q Mr. Pratt, the plaintiff in this case subpoenaed and secured records of the defendant Hosynd. And it subpoenaed records and secured records from the other defendants in this case.

Do you recall that?

A I recall seeing documents that are in our office

that we have obtained.

I think my recollection is that they were gotten through pre-trial discovery proceedings.

Q Did you get documents from the defendants who are no longer in this case, Alfred Marks?

A I would certainly have documents from UTAUG and ITAUG that I recall.

Q And they were pretty voluminous documents, were they not?

A Voluminous is a relative term. I suppose all the documents comprised at least a file drawer.

Q You went over those documents, didn't you?

A I have looked at them, yes.

Q Did other people look at them?

A I'm sure that they have.

Q You looked at them for evidence in this case, did you not?

A Yes.

Q Do you recall how long it took you to look through the documents of these defendants, UTAUG and ITAUG?

A That is very hard to estimate because when I looked at the documents, I probably was looking at all of the documents we had, including the documents of the MTBT and all the defendants' documents.

My recollection is spending the most time on the ledger sheets or the sheets of the Metropolitan Taxicab Board, and I looked briefly, and I can't recall exactly how long I looked at ITAUG's and UTAUG's documents.

Q You were there, were you not, when I came up to your office and looked at documents of ITAUG and UTAUG?

A I was not present in the room. I think I came in once or twice.

Q Do you recall at that time that we were there for several hours?

A I don't know how long you ere there.

Q I take it in researching for the -- whether you could hold certain of the defendants who were left out of this case finally before it went to the jury or a jury verdict was brought in their favor, that you looked for evidence against them and tried to fashion argument that would keep them in the case.

A Well, I can't recall that there were any particular discovery proceedings along that line.

I'm sure that we hoped we could find evidence, and we wondered what theories we would bring against the independent operators.

Q Theories were discussed between you and Mr.Wentzel, is that correct?

A I'm sure in the course of our pre-trial preparation we discussed those theories with all the others.

Q Would you say that in preparing that 15-page brief that it gave you about the same difficulty in terms of legal doctrine as most of the other legal points that you met here in this case?

A No.

Q You thought it was earier?

A Yes.

Q How much easier?

MR. JENSEN: Objection, your Honor. How can he answer that?

THE COURT: Overruled. No, that is all right.

A I don't know how to respond to you. We discovered several claims made by the MTBT or some of the individual fleet owner defendants which were inconsistent in our view with the arguments being made in the defendants' trial brief, and we discovered a few other things that we thought were significant arguments.

We discovered those relatively early on in the preparation, so it was not a situation of buring the midnight oil looking for something, anything that would win the point.

Q How many drafts, not handwritten but in terms of typewritten drafts, did that 15-page brief go through?

A As I recall it, you have asked me that before, and I either answered I don't know or at least one. I can't do better than that now.

Q You can't do any better than that?

A No.

Q Did you read all the cases you cited in that memo?

THE COURT: We are going round and round. Haven't we been through this before?

MR.NESSEN: No, your Honor.

Q Did you read all the cases cited in that?

A Yes.

Q Did you find any new cases that you had not cited in any other brief?

A Yes.

Q You put that all together in a memorandum of law to submit to the Court?

A Yes.

Q And you carefully proof-read it once?

A I may have. We do have other people -- one of the duties of paralegals is to proof read. I may have or may not have read it.

Q You read through it to make sure it presented a fair and accurate picture to the Court, didn't you?

A Yes.

Q Would it be fair to say that this took more than two hours?

A Yes.

Q Would it be fair to say that it took more than seven hours?

A I can't estimate beyond that. I don't know.

MR.NESSEN: Could you mark as our next exhibit the affidavit of Alan R. Wentzel which is dated October 28, 1975.

Can we short-circuit this by letting me offer it right now, your Honor?

THE COURT: Yes. All right.

MR.NESSEN: I take it there is no objection.

MR. JENSEN: No objection.

cx (Defendants' Exhibit EEE marked for Identification)

THE COURT: Incidentally, put on the record that we marked that proposed stipulation as Exhibit 203 for Identification. There is no 202 for Identification.

There was a little confusion a minute ago, and nobody is worried about 202.

Q Mr. Pratt, did you help Mr. Wentzel draft that?

A Draft what?

Q That affidavit.

MR. JENSEN: Mr. Pratt should have it before him, I think, before he answers it.

A Yes.

Q Did you check it for accuracy with him?

A Yes.

Q Did he discuss with you the hours that he attributed to your work on certain items?

A I don't recall a discussion of that sort.

Q Did you point out any corrections or additions or amendments that you would like to make in the draft of this affidavit?

A No.

Q Did you make or did you compose any of the paragraphs in this affidavit?

A I may have.

THE COURT: Let's get to the point. You are talking about paragraph B, the announcement on the 4th and 5th causes of action, aren't you?

Did you see that, Mr. Pratt?

THE WITNESS: Yes.

THE COURT: Is that correct or not?

THE WITNESS: I don't have it in front of me.

Q Well, could you estimate to me the number of hours, Mr. Pratt, you alone spent on the 4th and 5th causes

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of action in terms of working at trial?

A If I understand your question, I would say under an hour, maybe half an hour.

Q How much before trial?

A I can't estimate that.

THE COURT: Look at the page. Do you have the affidavit?

MR. NESSEN: I do not have any questions further on this affidavit, your Honor.

THE COURT: All right. Fine. Anything else?

MR. NESSEN: Yes, your Honor.

THE COURT: I don't understand in view of what -- let's take this affidavit, page 6.

Mr. Wentzel says that time spent on drafting a memorandum on the interstate commerce jurisdiction with regard to the 4th and 5th causes of action was estimated to be five hours by Mr. Pratt.

Now, are you talking about Exhibit DDD?

THE WITNESS: I think Mr. Wentzel is talking about Exhibit DDD.

THE COURT: Was he confused with the interstate commerce jurisdiction? This is not about interstate commerce jurisdiction, is it? Well, it isn't.

THE WITNESS: It has been long enough -- I think

you are right. Let me look at it.

Well, in point III of that memo marked DDD there is a reference to the Court and the subject of the matter of jurisdiction with respect to plaintiff's 4th and 5th causes of action.

THE COURT: Basically I want to know if there was some other memorandum that is referred to in the 5-hour estimate contained in Mr. Wentzel's affidavit, or else is the memorandum referred to there this exhibit, Exhibit DDD, do you know or don't you know?

You can have the affidavit. Because Mr. Wentzel made a deduction for the number of hours referred to in that paragraph in the affidavit, and I want to know if an additional deduction is in order.

THE WITNESS: I'm embarrassed to say I have a hard time recalling. I believe that the memorandum marked DDD is the only memorandum. That's my recollection now.

THE COURT: Was there a memorandum submitted in connection with the motion on interstate commerce that you referred to -- is it possible that that is what you are talking about in the statement you made to Mr. Wentzel for the affidavit?

THE WITNESS: Well, I think that the interstate commerce issue referred to here -- this may have been --

THE COURT: I don't recall any other memo dealing with the 4th and 5th causes of action, is that right?

THE WITNESS: Right. That's correct.

THE COURT: Then that is the answer. All right, any further questions?

MR. NESSEN: I have a question.

BY MR. NESSEN:

Q Who is Mr. Petrie, can you tell me?

A He is an associate at our firm.

Q And he worked on a 4-page memorandum, do you remember that?

A No.

Q Do you remember that he estimated that it took him approximately 25 hours to research and draft that 4-page memo?

A I don't recall that.

Q Let me show you page 131 of the deposition of Mr. Wentzel, and see if that refreshes your recollection.

MR. NESSEN: Has that been put into evidence, your Honor? I believe it has.

THE COURT: Page 131 of the deposition, yes, it has been.

Q I show you one, Mr. Pratt, and you were present at the deposition of Mr. Wentzel.

A I was.

B6 Q Do you remember on pages 130 and 131 that he was asked about a 4- page memo that took your firm 25 hours to draft and get ready?

A I see it here.

Q Does that refresh your recollection at all?

A No.

Q Mr. Pratt, the claim was made in the affidavit of Mr.Wentzel that some 470 hours were spent for research, drafting and revision of the trial memorandum.

Who worked on that trial memorandum? Could you just list the people?

A If you are asking me to be encyclopedic and be all inclusive, I cannot. I know that Mr. Wentzel did. I know that Mr. Petrie, I think, has worked on it from time to time.

Q I mean that final version, not the earlier version.

THE COURT: You said a few minutes ago you did not do much work on it, and somebody else did it. Who are these somebody elses?

THE WITNESS: It is difficult for me to say. Mr.Wentzel has asked various people to work on it at various times.

I know Mr. Petrie did an earlier draft or the

final edition.

Q Which was done when, in the spring of 1975?

A I would assume that we revised it or we looked at it again -- I take it back. We had sent it out to you in November of 1974.

Q That was done in the fall after the summer associates had left, isn't that right?

A I assume so.

Q With all that work in the fall of 1974 through the spring of 1975 naturally of '74 or late '74 all those hours were partner or associate hours and not summer associate hours, is that correct?

A On this memorandum?

Q Yes.

A Yes.

Q And that memorandum, without getting into detail, was a substantial revision of the earlier memorandum which was exchanged between your firm and Mr. Owen's firm, is that correct?

A Well, as I indicated to you I recall a memorandum on one issue on the interstate commerce issue going to Mr. Owen. It could be that we gave him and earlier trial memo. I have no recollection of that.

My recollection is that the trial memorandum had to

be thoroughly reviewed on a number of occasions because of the passage of time and the intervening new decisions. Whether or not that led to an actual wholesale revision in terms of the language, it is hard for me to say.

Q In point of fact, I was going to say it is very little resemblance between the memorandum originally put in as a trial memorandum and served on Mr. Owen, and the final trial memorandum given to Judge Griesa, isn't that a fact?

A I can't respond to your question. I told you I don't recall there being a trial memorandum served on Judge Owen.

MR. NESSEN: Your Honor, I should like, and I don't have with me -- unfortunately I could not go back to my office because I am not supposed to walk around -- I do not have a copy of the original trial memoranda, but I wish -- and I wonder whether we can submit those final trial memoranda and the trial memorandum that was served on Owen and Turchin as our next and final exhibits.

THE COURT: Well, where is Casey, Lane office?

MR. JENSEN: Can we deem the two copies in the court's file to be marked, your Honor?

MR. NESSEN: I don't want to examine on them. They speak for themselves.

THE COURT: What significance do they have?

Is it something that is supposed to be given weight by me? I would like to see them, and I need to see them this evening.

MR. NESSEN: The significance is simple, your Honor. That the question of attorneys' fees here is one of reasonableness and reasonably related hours to performance. I submit the partner and associate hours on the trial briefs are inordinate and what really has happened was that the original trial brief in this case was next to useless, with due defference to my learned friends, and was not nearly of the caliber of the final brief, and indeed very little resemblance to it.

THE COURT: What that means is that the first trial memo was a kind of draft, and they improved it, isn't that right?

MR. NESSEN: No. Something submitted here that we are supposed to pay for and asked to pay for.

THE COURT: Wait a minute. I will wait here and you can go and get a messenger to come from your office, but I am going to dictate the decision. I have very little more to dictate because I basically put my findings on the record this morning. If there are any --

MR.NESSEN: It is hard to move you from a position that you have taken.

THE COURT: The point is that I want to consider--

you have brought out the memo that was done by Mr. Pratt on the 4th and 5th causes of action, and you are viewing that the estimate of 5 hours for such a memo is too low. I will agree with you. I will make a further deduction. I don't know how anybody can do this in 5 hours, but also I want to consider anything you have.

If you were going to rely on points that require the presence of the trial memos or anything else, you should have had them here. I suppose that we can get them. Where is Casey, Lane, down at 26 Broadway, and you can get a messenger to come up.

THE WITNESS: I'm sure we don't have a messenger.

MR. NESSEN: Your Honor, may I point out something? I have not -- and I think I mentioned to you when we estimated an hour and a half in this proceeding -- I did not want to go into every little detail. I think there is sufficient evidence here for whatever it is and I don't put any finality with it at all. I want that to be clear on the record.

But there is a gross -- on its face -- a gross overestimation on the causes of action that survive. A deminimizing beyond all possible reason of time spent on losing causes of action. To go through the ITAUG and UTAUG documents -- apparently it took him a half hour. That just is not so, your Honor. In all fairness --

THE COURT: I cannot presume that that had no relation to the ultimate outcome with respect to the defendants who survived.

It seems to me completely unrealistic to try to carve out a certain specific amount of time spent on ITAUG and UTAUG documents, and say they do not get a penny for it because if they were not even suing these people as parties, they might very well take their depositions and investigate their documents as evidence. They even contend that such an inquiry here was useful even in pursuing the case against the defendants against whom the verdict was made, isn't that correct?

THE WITNESS: That's right.

MR NESSEN: I don't think that is tenable. In theory it is fine. As a practical matter, your Honor, UTAUG and ITAUG did not belong in the case. There was nothing in the claim. I commend the jury for its verdict on that.

It is made of cloth really. It does not seem to me that we must use, and you are asking defendants here to pay a heavy, heavy price --

THE COURT: You spell the arguments out fully in your papers which you have given heavy consideration to. Now you are taking a strong position against that fee. That is useful and that is your privilege and your responsibility.

You express shock at the amount of work and so forth, but your firm spent a considerable amount of hours, over a period of a year after you were retained, and you were not the plaintiff.

MR. NESSEN: It nowhere matches their time, your Honor.

THE COURT: And they had the laboring force and a great deal of your criticism went to extensive things spent on issues and motions to substitute parties. A lot of that was spent by summer associates.

MR. NESSEN: That has been overdramatized in the papers, your Honor.

THE COURT: All I am saying, Mr. Nessen, is that there has to come a time when an issue like this is resolved by the Court. The time has come, and I am telling you I have done the best I can to consider the arguments of both sides, but I have to resolve it.

Now, if there is any additional material which I should consider, I want it now. There has been ample notice of the need to get it here today, and you told me this afternoon that you did not understand that the interstate commerce issue was going to be resolved today. I can hardly understand that. At least you knew that the attorneys' fee application --

MR. NESSEN: That I understand.

THE COURT: Now, where is your evidence? I will receive it.

MR. NESSEN: Your Honor, may I say on that latter part that I am not the only counsel who believed we were not going to discuss the interstate commerce, but it does not matter. I apologize for that.

THE COURT: I am ready and I am sitting here and I am ready to receive any evidence you have on the attorneys' fees. I will even adjourn the hearing for a short time to permit somebody to run down to 26 Broadway to get papers, but otherwise we close it tonight.

Do you wish to have someone go to 26 Broadway and get additional materials?

MR.NESSEN: Your Honor, no. I believe that the materials -- that these briefs -- I don't want to keep your Honor, and I don't want to keep the court reporter and everybody here for my failure to get that exhibit here that I thought was in the record, but if it is not in the record, I don't know what to do about it.

THE COURT: Do you have any further questions for Mr. Pratt?

MR.NESSEN: Your Honor indicated, and I don't know whether it was off the record or not, what your leanings

were.

THE COURT: It was on the record. It was more than my leanings. I was putting on the record a statement of what I had concluded subject to anything you have to say.

MR. NESSEN: Well, based on your theory which we think is wrong, your Honor, and urge you to change most respectfully, that we think that there are some calculations that are wrong even under your own theory, and have you got those, Mr. Dolinger?

MR. DOLINGER: Your Honor, I believe you mentioned among three categories that were conceded to be items to be subtracted from the time records of Casey, Lane, and two of them involved non-legal work and tax advice.

Now, in the interim, this afternoon while were were waiting to resume, I did a bit of recalculation on the two items. Based on the time sheets available only through July and not November, it would appear that those two items were somewhat understated. The correction I have on quick addition of the non-legal is instead of $11,200 --

THE COURT: You have had the time sheets since when?

MR. DOLINGER: We have the time sheets.

THE COURT: From when have you had them?

MR. DOLINGER: I think the end of August.

THE COURT: And you have an adding machine up at the Nickerson firm, and you could have --

MR. NESSEN: We made our calculations.

THE COURT: You know, this should have been worked out long ago.

MR. NESSEN: We made our calculations, but you have rejected them.

THE COURT: It is not contested that the services of the summer associates who were named in the deposition of Mr. Wentzel are to all be taken out. It is just a matter of arithmetic. We want the correct arithmetic. It is also not contested that the services of the paralegals should be taken out.

It is also not contested that the services of the managing clerk, except for six hours, are to be taken out. Now, all of that is a matter of arithmetic. Do you have any corrections on the arithmetic? Have you presented this to Mr. Wentzel and Mr. Pratt, these corrections?

MR. PRATT: No, your Honor. At least nothing today.

MR. NESSEN: We presented our findings in our affidavit. We did not know what figures you --

MR. DOLINGER: Your Honor, our figues were put into the court before Mr. Wentzel's so they would not be

labeled as corrections. Your Honor, in our affidavit of October 17th, Mr. Nessen, let me find the figure here -- paragraph 26 refers to the number of hours of non-lawyers and total time charges represented by that.

THE COURT: Does anybody know why there would be the difference between Mr. Nessen's figure for non-legal time of $14,300 and Mr. Wentzel's figure in his affidavit of about $10,000?

MR. NESSEN: You would have to ask the paralegals that did it, your Honor.

THE COURT: It is about $4000 or so.

MR. NESSEN: Your Honor, in paragraph 28 it is estimated as $25,000 and rounded off for charges of the tax information of $3500, and that seemed to be excepted.

THE COURT: Let's stick with the non-legal. You say $550, and apparently you are talking about the time through September because your affidavit is dated mid-October.

Now, you have 550 hours and you say it is worth $14,300.

Mr.Wentzel's affidavit says a total of 432.50 hours. He says that all but about four hours of that was billed at $25 an hour, and he comes up with $10,793.25. I have not done the addition or the multiplication. I suppose that out of a fee of somewhere between

or maybe a little more, whatever it comes out to, a difference of $3600 is not crucial, but I am perfectly happy, if anybody wants to try to explain the difference, to listen to that.

38 MR. JENSEN: Your Honor, I'm sure if Mr. Wentzel were here he would like to try to explain the difference to you.

I remind your Honor that he was offered for cross-examination to these defendants this morning, and they did not take the opportunity then to ask him the questions.

THE COURT: Let's pass that. It is not a big amount.

You mentioned the tax thing as being a large difference.

MR. DOLINGER: It is not a large difference in absolutes but in percentage terms. In paragraph 28 we find the accounting for $5000 in time charges. I believe the figure this morning that was mentioned was $3500.

THE COURT: Right. Okay. Again, we are not dealing with -- do you have any other problems on calculations?

MR. DOLINGER: Those are the only arithmetical questions that were raised, your Honor.

MR. NESSEN: Your Honor, we do, of course, think

that the judgment here was a large one, and we still believe it is highly excessive, that the discretion your Honor has here considering that really in risk of litigation is not very high for the plaintiff, that settlement discussions had gone on, considering what really has to be overkill in this case, considering what they think is good evidence, that without intending, I'm sure, to mislead the Court, and plaintiff's counsel has overestimated the hours it spent on successful causes of action as opposed to those where it was unsuccessful, that the evidence is also that law firms do not, and Mr. Wentzel concedes that in his deposition, do not always get 100 cents on the dollar. They have to use discretion. They have to consider whether the time was spent profitably.

That happens a lot in our firm. I'm sure I don't have to have an expert tell you that that happens in all firms, and that the issue is one of reason within the bounds of what was accomplished by what kind of work.

You must consider who the defendants are and the heavy judgment that is against them as being triple. It does seem to me, your Honor, that the estimate in no way, even if we were to take plaintiff's theory, that it should recover much more than $100,000.

THE COURT: On the question of the hours, would

you have an idea of what the total number of hours spent on the defense side was?

MR. NESSEN: I think we estimated that in the affidavit. I will give it to you.

THE COURT: But that was for one year, right?

MR. NESSEN: Yes, your Honor. We really did -- we reworked the whole thing, your Honor. The quality of what was done before and what was presented to us, I can tell you, and I don't mean trial counsel because trial counsel came in the last minute, it was hardly the kind of work, and I am sure the hours were de minimis, but our total hours, my own firm's billing totaled only 629.

THE COURT: That is in the affidavit.

MR. NESSEN: In my affidavit.

THE COURT: Where are you referring to now?

MR. NESSEN: This is page 26, your Honor.

THE COURT: Of the October affidavit?

MR. NESSEN: Yes. When you compare -- I don't think you will forget about the final result which was a bitter one for me, but when you compare the quality of the legal work here, I would like to be objective about it, and I cannot see that in terms of briefs and memoranda and of law that the Casey, Lane work was that much better than ours to warrant that kind of discrepancy. In fact, it is astounding

to me.

THE COURT: Okay.

MR. NESSEN: With all due deference, this case, while it presented tough questions for the judge to make a fine point, was almost very easy for the advocate and a finite number of cases as your Honor recalls. This is not a tough job for advocates. This is a tough job, and I will grant that, for a judge to fashion a decision on what the law is, but the advocates' responsibility was mighty easy.

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THE COURT: Let me try to conclude the proceedings, and put what statements on the record that have to be put on.

We first have to conclude the record on the record of whether the claim of the plaintiff has a sufficient relation to interstate commerce to justify recovery of treble damages of Section 1 of the Sherman Act.

In that regard, the record of the past proceedings has been made and stands for itself. In very brief outline there was a discussion prior to the trial and at the beginning of the trial as to whether the interstate commerce question was appropriate for submission to the jury. Plaintiff now contends that it was the suggestion of the defense that the interstate commerce point be tried by the Court without the jury, and that such a suggestion was made at a pretrial conference.

I have not attempted to review the record or attempted to reconstruct the facts on that point. We had a number of pretrial conferences which, I believe, were off the record. There was, as the result, no agreement to my memory as to the handling of the interstate commerce point by the Court without a jury, or at least no such agreement prior to the time of the trial. I am going by memory because this is not a matter of great concern to me

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now. Of course what happened at the trial is a matter of record. If the defense made any concessions on the point, this will be contained in the record.

MR. NESSEN: Your Honor, the defense made no such concessions.

THE COURT: Just refrain from interrupting. The record stands for what it stands for, and I know that your position is that you do not -- you made no such concessions.

I am just trying to give some slight background here.

MR. NESSEN: May I be heard on the record afterwards, your Honor, on this point?

THE COURT: No, you may not. This is the conclusion of the proceedings.

Now, at the trial I became convinced as the result of the review of the case law, and particularly the case which I deem most relevant, that is the Lorraine Journal case decided by the Supreme Court, 342 U.S. 143, that the proof in the case would be such as to demonstrate as a matter of law that there was a sufficient nexus with interstate commerce.

At the time I reached this conclusion, all of the proof on the interstate commerce point had not yet

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been put in, but we were attempting to try this nine-year old antitrust case as part of the civil case crash program, and we were attempting to do it in as efficient and quickly a manner as possible. And one of the things I became convinced of was that there was no utility in having the jury hear detailed statistics and other detailed evidence bearing solely on the interstate commerce point when I was convinced that the issue would not go to the jury.

Therefore, it made sense to me to do the following, and I believe the record shows my ruling in this regard.

I apprised the parties that I would take the interstate commerce point away from the jury simply because I did not believe that there would be any issues of fact for them to determine on the point. This was not a case where there would be any issues of credibility regarding the interstate commerce point, there would be no factual conflicts for them to determine regarding the interstate commerce point. I was concerned from the material before me, including certain proposed stipulations or offers of proof, that facts which would ultimately be stipulated and would not be in contest, were sufficient to demonstrate the interstate commerce connection beyond any jury question, and would be sufficient to demonstrate

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it beyond any possible finding of a reasonable juror to the contrary.

In other words, let me put it this way. Although there might be dispute of fact as to how many subscriptions of Taxi Weekly went out of State or who paid for those subscriptions, or whether a certain number were Taxi Weekly versus the other publication, Taxi Age, those issues of fact and any comparable issues of fact were of no real significance because it was apparent that there was no contest as to the fact that Taxi Weekly itself carried advertisements of products, including taxicabs and taxicab equipment, which products were produced out of State, and were shipped into New York and sold in New York as part of interstate commerce. And that these advertisements were of products which constituted a substantial volume of interstate commerce. That in addition there was advertising sold in interstate commerce, and that in terms of the substantialities, speaking in terms of dollar volume, the interstate commerce represented by the sales of products advertised was without any question a substantial amount of interstate commerce, and that the other features of interstate commerce, the selling of the advertisements and other things contributed to the picture, although not as substantial in dollar volume as the sales of the products

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themselves.

I apprised counsel that I would withdraw the question of interstate commerce from the jury, or not put it to the jury in view of these circumstances, and that we should go ahead and finish the evidence that pertained to the jury issues on which there were very substantial conflicts needing to be resolved by the jury, and that that would be the way the trial would proceed. I told counsel that the record on the interstate commerce point would be concluded following the submission of the proof to the jury so that the record could formally be in shape.

My hope was to have that done very quickly after the conclusion of the evidence presented to the jury, but that was not possible, and indeed the record on that point has not been concluded until now. But, as of now, the parties are in basic agreement on a set of factual stipulations which indicates beyond any question in my view that the activities of the defendants charged in the case had a substantial affect upon interstate commerce in causing the demise of the paper Taxi Weekly. And in this connection I again refer principally to the Lorraine Journal case, 342 U.S. 143. Particularly the discussion at Page 151. I regard this to be true if we are talking about Taxi Weekly alone, or we are talking about the companion paper

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referred to at the trial, the paper called Taxi Age. Both papers, according to the uncontested facts, carried substantial amounts of advertising of products sold in substantial quantities in interstate commerce. Due to the apparent misunderstanding, the record is not signed, sealed and delivered even as of the present moment.

We held a pretrial or a conference on December 12th, at which time it was my understanding that these details, stipulations about advertisements would be worked out prior to the time of our hearing today. However, that has not been done. The parties have reached an agreement which is satisfactory to me to the effect that these facts will be stipulated within 24 hours, except to the extent that the defense has any specific corrections to make in the proposed stipulations. In other words, as of the present time the facts are basically agreed upon, subject to any matters of detail to be corrected. I am considering that as far as any statement that I need to make on the matter that the record is closed, subject to the receipt of the signed stipulation by the end of the day tomorrow, and subject to any possible further activity that I need to make in regard to the question if there is any substantial disagreement on the stipulation. I trust that there will not be.

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In other words, by the end of the day tomorrow, if the parties proceed accordingly with what they plan, the record will be complete and will demonstrate that there is no issue regarding interstate commerce nexus which requires submission to the jury, and that the uncontested facts are sufficient to demonstrate the interstate commerce nexus as a matter of law.

Now, on the question, the other question to be taken up at the pretrial, and that is the amount of the attorney's fee to be awarded to plaintiff's counsel, Casey, Lane & Mittendorf. At the time of our hearing this morning, I explored in some detail with Mr. Wentzel, the partner in charge of the case for that firm, a number of the most critical circumstances. I also put on the record a statement of my basic reasoning prior to our adjournment midday so that this reasoning could be conveyed to Mr. Nessen of the defense, defense counsel, so that he could make any comments he wished to make. The record shows that Mr. Nessen was indisposed this morning. Mr. Nessen has come to court this afternoon, and we have had further proceedings which the record shows.

I believe that it would be an unnecessary repetition to recite again the considerations that I set forth prior to the midday recess. I believe that some

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amendment to the figures is in order in view of material brought out this afternoon, but I do not believe that any substantial amendment to the figures is necessary. However, for the sake of being as accurate as we possibly can, I believe that one particular item should be revised. I referred to an item of $1,500 relating to so-called loss claims to be deducted from the B Allowance. Mr. Wentzel had conceded that such amount approximately should be deducted. That was based in part on the idea that five hours had been spent by Mr. Pratt, a senior associate, in drafting a memorandum on the unsuccessful fourth and fifth causes of action. It is perfectly apparent to me that more than five hours was spent on that memorandum which is in evidence now as Exhibit DDD. I will deduct another $1,500 for that particular point. In general, my conclusion on the fee is as follows:

As I stated this morning, we have a detailed analysis on a computer printout of time spent on this matter by the Casey, Lane firm since they acquired the case in 1970 from another attorney, the case having been originally commenced in 1966. This computer printout has, although in somewhat cryptic terms, brief indications of the work done, the number of hours for each item of work, and the Casey, Lane billing rate for the particular

individual involved.

Those rates have changed over the years involved. For instance, Mr. Wentzel in 1970 had a computer billing rate of $90 per hour. He now has a computer billing rate of $120 per hour. This apparently was changed during the course of the year from $115 per hour which was the rate shortly before the trial. By the time of the trial, it was $120 per hour.

Other persons who worked on the case were billed at lesser rates, and according to their status in the firm and their degree of experience. The case, speaking in a general way, has involved over five years of work. It has been a hotly contested case in all respects. It has involved, in my view, difficult questions of law and fact involving some degree of uncertainty and requiring a high degree of skill and presentation to achieve the result that has been achieved. There has undoubtedly been some work produced merely by the lapse of time, and the fact that over the period of five years or so between the time that Casey, Lane received the case and the time that it was tried, there were three or four warnings to be ready for trial with all the work that such warnings involved. However, this is an inevitable result, in my view, of the Court processes in the nature of this case and such work,

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in my view, is not something that goes uncompensated. It does not represent a waste of time or inefficiency on the part of the attorneys involved.

A search critique has been undertaken by defense counsel with respect to the hours spent and the amount of the fee requested. As a result of this critique, certain deductions have been made from the raw computer time and computer dollars appearing on this printout. I say that as a result of the critique, recognizing that I believe it is the position of Casey, Lane that certain of these items were not intended to be claimed in the fee in any event, but be that as it may, we now stand in a position where certain deductions from the computer amount are conceded. Beyond this, the defense counsel make general attacks on certain specific items, and a general attack on the general size of the amount of the hours and time which has been run up.

I dealt with the specifics of those criticisms in my statement this morning. I do not think it would serve any useful purpose to repeat them. What we now have is computer time of 3,510 hours. However, that time includes the time of certain non-legal personnel such as summer associates, summer attorneys, and paralegals, and certain type of a managing clerk. After that time

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is substracted we are down to 3,030 hours. The computer printout at the end of November of this year has a dollar amount of $204,000. The subtraction of the non-legal time involves a subtraction of $11,200. There is a further subtraction of 120 hours for work on the application for the attorney's fee. I have deducted $12,000 for that time. There is a further subtraction for tax advice for which I will deduct $3,500.

I recognize that the amount that I have stated for the non-legal work and the tax advice are somewhat lower than the calculations of the defendants, but I find in favor of Casey, Lane on its calculations.

On the basis of my finding this morning, I deducted $1,500 with respect to the so-called lost claims, that is the unsuccessful fourth and fifth causes of action, and the lost profits claim. I will make that $3,000 instead of $1,500 to take into account the material developed this afternoon. The result is that we have deductions of $29,700 which are made from the $204,000 amount we started with.

This produces a net of $174,300. Beyond this I really do not find that the criticism of the defense on the time spent has any substantial validity. I recognize that the defense contends that the so-called lost claims

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must have involved a good deal more time than $3,000 worth of time, but I find no substantiation of such a criticism even after a very searching analysis of points to the extent that defendants saw fit to inquire into the matter. In general, I recall from my own perspective that the fourth and fifth causes of action were not matters which consumed much appreciable time or attention on my part or any proceedings before me. Furthermore, there were certain defendants, namely, the trade associations of the independent taxi owners and on these defendants the jury returned a verdict for those defendants. But, as I said earlier in our discussion, I find it difficult, if not impossible, to carve out any substantial amount of time or fee with respect to those two defendants.

As far as the lost profits claim, I rejected that at the trial, but, again, I don't find any indication that it was a matter occupying a great deal of time on anybody's part, at least when the matter was before me.

Subsequently I cannot find any basis for carving out of the fee application anything beyond the $3,000 which I have taken out of the so-called lost claims. Finally, and in a general way, I do not find that the criticisms of the fee application are terribly realistic. A complaint is made of the number of hours spent on the

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trial memorandum and items like the note of issue and so forth. I have gone over the computer printout carefully. That to me is the best evidence of what was done. On matters like the note of issue, there was no single effort, but an exhorbitant amount devoted to the note of issue. The computer printout shows time spent on the note of issue and other advice. I cannot find that the time spent on the items taken as a whole was exhorbitant. I have similar views as to the other criticisms made by the defense.

Subsequently I have as my basic finding that the number of hours spent at reasonable rates amounted to $174,300, giving it in dollar terms. I should add something which I stated this morning, and I know I am getting repetitious although I said I would not, but from my own experience and from the record in this case, the hourly rates set forth in the computer printout are hardly exhorbitant. I find them to be reasonable. There is no proof to the contrary.

As I said this morning, I believe under the cases that the premium offer and above the $174,300 is warranted. I believe that the investment of substantial amounts of time over five years by the Casey, Lane firm represented a substantial risk, litigation risk. The problems were uncertain, the outcome was uncertain and

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the matters involved were in my view difficult.

The result and my observation indicate that a job of great skill was done to achieve a highly successful result for the plaintiff. Under these circumstances, I am awarding a premium above the $174,300.

On the other hand, I do not find it necessary or warranted under all the circumstances to grant any great premium. I think it should be modest, and I think it should be moderate. One of the things I have in mind is that part of the $174,300 was incurred because of the length of litigation, the protraction, the number of times when call for trial were issued, and so this causes me to moderate the amount of the premium.

In my view a premium of approximately $25,000, bringing the total award up to $200,000 is a fair and reasonable award. That is my conclusion as to the amount of attorney's fee to be awarded, namely, $200,000.

That concludes the proceedings.

MR. NESSEN: May we have an exception to your Honor's ruling?

THE COURT: You have an exception without saying it.

MR. LATORELLA: Your Honor, my motion is returnable on January 15th. Does your Honor want to hear

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argument?

THE COURT: I will let you know.

[Hearing concluded.]

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

TAXI WEEKLY, INC., Plaintiff,	
vs.	66 Civ 2827
METROPOLITAN TAXICAB BOARD OF TRADE, INC., et al., Defendants.	

January 8, 1976
5:00 p.m.

Before: HON. THOMAS P. GRIESA,
District Judge

APPEARANCES

CASEY, LANE, & MITTENDORF, ESQS.,
Attorneys for Plaintiff

BY: CHARLES M. PRATT, ESQ.,
of Counsel.

NICKERSON, KRAMER, LOWENSTEIN, NESSEN, KAMIN & SOLL, ESQS.,
Attorneys for defendants

BY: MICHAEL H. DOLINGER, ESQ.,
of Counsel.

(In the robing room; counsel present.)

THE COURT: Mr. Pratt, on behalf of the plaintiff in this action, and Mr. Dolinger, on behalf of the clients of the Nickerson, Kramer firm, namely, most of the defendants, have appeared before me this morning and this noon to discuss the stipulation of facts relating to the interstate commerce issue.

The stipulation is now in final form, subject to re-typing and subject to one revision which needs to be made which I will just describe.

On page 6 of the stipulation, there is a reference to the number of taxis purchased by the New York City Medallion Taxicab Industry in 1964.

The plaintiff proposed some additional language about a conservative estimate of the cost of $1500 per taxicab in a calculation of what those taxicabs purchased in the one year would be worth in terms of total sales price.

The defendants are unwilling to stipulate to any of that language except that they are willing to stipulate to the number of taxicabs purchased by the New York City Medallion Taxicab Industry in a 12 month period, either fiscal 1964 or calendar 1964, and the figures will be derived from the statistics appearing

in Taxi Weekly each week which show the taxicabs purchased in New York City or the new taxicabs purchased in New York City that week.

The lawyers have to decide what 12 month period and they have to verify and add up the weekly statistics in Taxi Weekly.

I am further apprised that the stipulation will be signed on behalf on plaintiff and on behalf of all defendants, with the possible exception of a pro se defendant, namely the Estate of MacIntyre, but I will not hold up the proceedings with respect to that Estate of MacIntyre.

Is what I have said a fair representation of what has been agreed to, Mr. Pratt?

MR. PRATT: It is, your Honor.

THE COURT: Mr. Dolinger?

MR. DOLINGER: Yes, your Honor.

THE COURT: I am giving counsel the document which I have marked, and I think it reflects what has been agreed to, with the exception of that one figure to be placed on page 6 about the number of taxicabs purchased in 1964.

I will mark this document as Court Exhibit X as of this date, and I will give it to the lawyers now

(handing).

I have also told Mr. Pratt that I would permit Mr. Peterman to testify about his estimate or his knowledge of the sale price of new taxicabs in 1964 and one or two other related matters.

We will proceed with that, Mr. Peterman, and finally at long last, complete the record in this case.

S E Y M O U R L E S T E R P E T E R M A N, having previously been sworn, continued and testified further as follows:

THE COURT: You are still under oath. Do you understand?

THE WITNESS: Yes.

DIRECT EXAMINATION

BY MR. PRATT:

Q Mr. Peterman, can you give at this time an estimated cost per taxicab sold in 1964?

A Yes, I can.

Q Would you give that estimate?

MR. DOLINGER: Objection; no foundation.

THE COURT: Objection overruled.

A A conservative estimate is that the average price of taxicabs sold in New York City in 1964 was at

least $2,000 per cab.

Q Do you have any basis or any factual basis for making that statement at this time?

A Yes. I have in front of me the issue of June 22, 1964 of Taxi Weekly --

Q Could I interrupt you to say that it has been marked as Plaintiff's Exhibit 1.

A -- in which there is an ad for one of the Dodge dealers, namely, Bob Hirsch, Inc., which says in big type in the headline of the ad, "Special sale, '64 Dodge Taxis, limited time only, $2,325."

Q Mr. Peterman, what were the brands of taxis sold in New York in 1964; the makes, the manufacturers' names?

A The major ones were Dodge, Ford, Studebaker and Checker.

Q Did these manufacturers advertise in Taxi Weekly and in Taxi Age?

A Yes.

THE COURT: That is stipulated.

A They did.

Q Did these advertisers sell practically all of the taxicabs sold in New York City in 1964?

A They and their dealers did, yes.

MR. DOLINGER: Objection, your Honor.

MR. PRATT: I have no other questions.

THE COURT: Any cross examination?

CROSS EXAMINATION

BY MR. DOLINGER:

Q Mr. Peterman, you testified as to the brand of taxicabs sold in New York.

What is the source of your information for that statement?

A My knowledge of whom the advertisers were, and weekly figures that I received from the Hack Bureau of New York City as to --

THE COURT: Did you receive weekly figures by brand?

THE WITNESS: Yes, I did, which was published -- these figures were published in the newspaper each week by brand.

MR. DOLINGER: No further questions.

THE COURT: All right.

Could I see one of the issues showing the statistics about taxicabs purchased that we talked about ?

MR. PRATT: Yes, your Honor.

I have just been to the June 22, 1964 issue, (handing).

gtjt

THE WITNESS: Your Honor, these figures were also re-printed in my monthly magazine Taxicab Industry and --

THE COURT: Will you come here, please.

The lawyers have to go back and work out this one further statistic and I don't want any confusion after they leave here.

You show me how -- in other words, what on this statistical calculation shows the amount of new taxicabs registered during whatever period is referred to here?

I am looking now at Taxi Weekly for Monday, June 22, 1964 page 2.

THE WITNESS: This listing would show that since the 1964 model cabs had come out, as of June 22nd, which was not the end of the model year, 5,826 1964 model taxicabs had been registered.

THE COURT: The '64 model year, right?

THE WITNESS: That's right, which commenced in the fall of 1963 and ended in the fall of 1964.

THE COURT: There is a column which says, " '63 model cabs."

THE WITNESS: Yes, but that is --

THE COURT: That is just a comparison of the

year earlier, right?

THE WITNESS: That's right, as of a year before.

THE COURT: When it says, "All cabs --", oh, all cabs operating.

So the relevant column is the first column?

THE WITNESS: That's right.

THE COURT: I see.

When would the model year end?

THE WITNESS: Generally in the fall, around September or October.

THE COURT: Will it be possible if the lawyers think this most appropriate, will it be possible to get this type of figure, that is the registration of new cabs, will it be possible to get it for the fiscal year ending March 31, 1964?

Can you calculate that from your publication?

THE WITNESS: Yes, I believe we can.

THE COURT: Is there any doubt? I don't want to leave something up in the air and we have to come back here and have another meeting about it.

What is the best 12 month period to take? What do you think, Mr. Pratt? The easiest, most clear cut period.

MR. PRATT: Yes, your Honor, I think the calculation so far as I understand the method, is equally easy to do whether you are talking about a Taxi Weekly fiscal year or the calendar year.

THE COURT: We have talked about the fiscal year. Let's stick to that.

All right. I don't think there would be any, because if worst comes to worst, you can just take each week and add up -- in other words, you can start with April 1, 1963, you can certainly calculate what cabs were registered that first week and go up to the end of the model year.

THE WITNESS: That is exactly what we are going to do.

THE COURT: Then you can go from the beginning of the '64 model year, you can take the issue which would be roughly March 31, 1964, and that would have your '64 model figures, so I don't think it is even very difficult.

MR. PRATT: No.

THE COURT: All right.

What else?

MR. PRATT: The only other concern I have is I don't believe the 1963 or 1965 bound volumes have

ever been introduced into evidence. It hasn't been necessary.

In the event the defendants wish --

THE COURT: Just introduce them in evidence right now.

MR. PRATT: May I do that?

THE COURT: Yes.

MR. PRATT: I believe that the last exhibit we had marked was 203, so I propose the 1963 volume be marked as 204 in evidence and the 1965 bound volume be marked 205.

THE COURT: All right.

(Plaintiff's Exhibits 204 and 205, respectively, were received in evidence.)

THE COURT: While we are giving the tags, I just want to make one final statement, and that is that the stipulation agreed to today confirms the statements I made on the record already about the interstate commerce connection being proved as a matter of law.

The additional testimony of Mr. Peterman about an estimate of $2,000 purchase price for a new taxicab is something that was not stipulated, but it raises certainly no jury question. There is no contradiction in the record and it is virtually a matter of

judicial notice that such would be the price of a cab in 1964, that is, a new cab.

Furthermore, there is no contradiction to his other answer today about most of the cabs being the Dodges, the Fords, the Studebakers and Checkers back in 1964. So, again, all of the facts on which I have based my ruling of interstate commerce, or the interstate commerce connection being established beyond any jury question and as a matter of law, the basis for that ruling is either stipulated or otherwise without any contest whatever.

Okay. Thank you very much.

MR. PRATT: Thank you, your Honor.

THE COURT: As far as the judgement, I would ask you to get in the judgement. I want to get that entered.

I may wait until after I have decided the motion of Botwinick , although I really, in all realism, I think the Botwinick motion is very late and I may not want to delay the entry of judgement and I may enter it, and in the remote event the Botwinick motion were granted I would simply correct the judgement.

I am asking you to very promptly get to me the judgement, Mr. Pratt, so that it can be entered the

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minute I am ready to enter it.

MR. PRATT: We are working on it, your Honor, at this time.

THE COURT: When can you get it in?

MR. PRATT: Well, there is some question about the preparation of the assessment of the costs, just figuring up what has been spent as taxable --

THE COURT: Don't I sign a judgement just saying, "Judgement in favor of so-and-so against so-and-so in the amount of such-and-such amount plus attorneys' fees in such-and-such amount plus the costs of the action to be taxed by the clerk"? Isn't that what it says? I don't tax costs.

MR. PRATT: All right, your Honor, I will do it that way.

It was my understanding it was done --

THE COURT: Did you check with the judgement clerk?

MR. PRATT: I have had someone working on this. I understood incorrectly, possibly. We will prepare one that is in proper form.

THE COURT: Look, I don't want to foul you up, but I think that is the right way to do it and you can have someone check or you can stop by the judgement

clerk's office right now, but please get that in, because I have nothing to do with taxing the costs and I can sign the judgement basically as I have stated it.

Okay, thank you all very much.

Let me just put on the record one other remark:

I expressed myself on the record about what I considered were certain delays in getting the stipulation in shape, but that is now past us, and a much more basic and more important statement that I wish to make is to express my appreciation to all the counsel for their realism in working on this stipulation, which shows a recognition that certain facts were not subject to legitimate contest, it involves no sacrifice whatever of the rights of any parties, and I am extremely grateful to counsel, and I must say particularly to defense counsel, for being willing to work this out and not simply obstruct the proceedings for the sake of obstruction. They showed no sign, really, of doing that, and they acted in a most honorable way, and I appreciate it.

Okay.

MR. PRATT: Thank you very much.

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9/25/70

Plaintiff's Exhibit 2

Plaintiff's Ex 2

1428 a

BERNARD MARGOLIS
COUNSELOR AT LAW
1860 BROADWAY
NEW YORK 23
COLUMBUS 5-4330
4417

June 3, 1964

Henry Margoshes, Esq.
150 Broadway
New York, N.Y.

Re: Taxi Weekly Inc.

Dear Mr. Margoshes:

Mr. Weisinger has authorized me to inform you that he is offering to buy Mr. Peterman's stock in Taxi-Weekly Inc., based upon the present financial status of the business for $30,000.00 cash.

If the financial picture is changed as a result of a distribution by way of additional salaries or bonuses between now and the consummation of the sale, if the offer is accepted, the offering price will be reduced accordingly.

If Mr. Peterman does not accept this offer, Mr. Weisinger will proceed with his application to dissolve the corporation.

Very truly yours,

BERNARD MARGOLIS

BM:aw

I.T.O.C. meeting of July 10, 1964
held at the office of BSTOA

Meeting was called to order at 1:30 P.M. Absent were Singer, Twomey, and Piantoni.

Minutes of the previous meeting were read and corrected, upon a motion by Kanner, seconded by Teuch.

A discussion was held on the contract presented by Magic Carpet Network Inc., and it was agreed that each organization sign the individual contract.

In the absence of Gene Piantoni who is confined in the hospital, our President, Mr. Marks rendered a financial report. The Treasury balance is $18.63.

It was agreed to employ Creative Communications for a period of 6 months at $600.00 per month. All releases are to be approved by the 3 major organizations, Lomto, Utog, and Amalgamated. If one of the major organizations leaves the Council, the other two agreed to divide his portion between them. If the entire Council dispands, the contract with Creative Communications ceases, and if the Council reorganizes at a future date, the contract becomes retroactive.

It was decided by the majority of the Council to hold a demonstration at City Hall on July 28, to stress our need for a fare increase.

Mr. Marks stated that Mr. Botwinick had phoned him, and would like to meet with the Council with regard to having the fleets join with us in a mass demonstration. At this point, Mr. Marks 'phoned Mr. Botwinick and arranged for a meeting on July 13, 1964 at 3:30 P.M. at Botwinick's office.

Mr. Teuch made a motion, seconded by Baron, to invite Morris Markin to the meeting with Botwinick. The motion was defeated.

Having no further business, the meeting was adjourned at 4:15 P.M.

Respectfully submitted,

Benjamin Weiner, Secy.

Benjamin Weiner

Plaintiff's Exhibit 9 1430 a

July 13, 1964
I.T.O.C. meeting at the office of
BEN BOTWINICK, 1290 6th Ave.

Present at this meeting were Marks, Baron, Weiner, Katz, Kanner, Teuch, and Larkin of the Council. Also present were George Glazer, Jack Janoff, George MacIntyre, Henry Friedlander, and Ben Botwinick.

Mr. Marks opened up our discussion in behalf of the ITOC, and laid the groundwork for our forthcoming demonstration. Mr. Botwinick followdd with various suggestioms pertaining to this matter. He said that they have already started making plans for a demonstration - that they had a meeting of all fleet owners, and that 99% of the fleet owners gave their assurance to support this demonstration.

He stated that there will be almost twice as many drivers at the demonstration as there would be independents. The fleet owners will not take their cabs off the streets the day of the demonstration, but they will order all drivers to be at the demonstration.

They have ordered bumper strips and large lapel buttons for each driver to wear, announcing this demonstration.

We decided to hold a Council meeting at the Broad St. office on Wednesday, July 15, and then will contact Mr. Botwinick with further plans.

The meeting was adjourned at 4:45 P.M.

Respectfully submitted,

Benjamin Weiner, Secy.

Benjamin Weiner

C

Plaintiff's Exhibit 10 1431 a

MINUTES OF EXECUTIVE BOARD MEETING HELD JULY 13, 1964

Meeting opned at 8 PM by our 1st V.P. Milton Spitzer.

Minutes of previous meeting were read & accepted. Gale/Teitelbaum.
ROLL CALL FOUND HERMAN, excused; and MERSKY, absent.

BUSINESS MANAGER'S REPORT

Mr. Baron spoke on the committee that was delegated to go to Philadelphia and explained that one member was unable to go on the weekend of July 4th, and the following week, Mr. Baron was unable to go due to UTOG business, and our B.M. was in doubt as to if it would be wise to make this trip without hearing from the teamster union on the request for a charter which should be forthcoming by the end of this week. The IBT did not reject our request but left it up to Mr. O'Rourke when he returns from vacation. Then, he spoke on the meetings which were held in the past 2 weeks:
July 1st - meeting of ITOC was held at UTOG, subject: Contract and discussion with Magic Carpet Network Inc. At this meeting, the members did not all agree to sign up with the network as we would be tied up for 5 years. This plan needs volume to succeed and we need the council for the present, and so we are staying in the taxi council.
A meeting was held in Hack Bureau when ITOC was present and fleet owners also present, and the subject was concentrated on the new roof light which can be seen in the daytime for a distance of 10 blocks. In the front will a sign "TAXI", and OFF DUTY will appear on the 2 sides, and on the back, MEDALLION # will appear.
The council objected to the cost ~~xxxxxx~~ for owner drivers, and as of now, the hack bureau is willing to put this plan into effect for all new manufactured cars putting the expense on the manufacturer, not the operator. Our BM brought out the fact that all NYC medallion taxis should be better identified either on the front of the roof light or the passenger door with the words "NEW YORK CITY LICENSED TAXICAB & MEDALLION NO," Also, the hack bureau was going to crack down on the disposal of all old cabs. It would be up to each indicidual owner to repaint their cabs before disposal. The fleet owners raised objection on repainting esp. when they sell their old cabs to an out of town dealer. It is Mr. Baron's feeling that these cars may very possibly find their way back to NYC, to haunt us as gypsy cabs. At the July 6th meeting with ITOC, discussion was held about UTOG's application for a union charter, and on renewing the contract with the public relations men. This meeting adjourned without coming to any solution.
On the July 10th meeting with the ITOC, talk was again mentioned that UTOG might go labor, and the ITOC was not happy about it, and the matter was not pressed any further at this time. There was also talk about a demonstration in front of City Hall on July 28th and a question of fleet driver cooperation and what kind of increase to demonstrate for.

MINUTES OF EXECUTIVE BOARD MEETING HELD JULY 13, 1964 1432 a

An other meeting of I.T.O.C. was held on July 13th. At this meeting the fleet operators statet they would not close up shop, but ask the nightshift drivers to come down to City Hall and demostrate with the owner drivers, Meanwhile their dayshift drivers would be outworking. Although a decision was wanted right there and there, our business Manager thou ht it would be better to come back to the Ex.B. for a decision. Mr. Baron pointed out that the other 4 organisations are in favour of a demonstration, even so they are not sure to what extent the Fleet Operators would help us. It is now an known fact that the fare increase would be a sure thing if the Fleet Operators would agree to a representative of labour and a representative of the Mayer's Office to act on the Committee to administer the fond for drivers benefits. The Fleet Operators want no parte of labour to have any say in administring this fonds. Now we have an other stalemate as far as the increase goes.

Several meetings were held with Blue Cross and Blue Shield, but negotiating a major medical contract for our membership. They want to interest us in an experiance rating contract. This needs much investigating and studeing by our consultants and we will hear further on this subject. Our B.M. also told us about life insurance at a very reasonable cost to our members and suggested it would be worthwhile to look into this. Mr.Baron told us that the I.T.O.C. is anxious to sign a new contract with the same public relations outfit for 6 months at a reduced rate of 600 Doller a month, instead of the old fee of 750 Dollar a month. Our B.M. would insiste on a clause, that no publicity can be given out without the consent of the three major organisations, U T O G, L & M T O, and A.M.A.L., also that if UTOG should be expeled from the ~~xxxxxx~~ Council then we UTOG should not be held responsible for any ~~xxxxx~~ cost for public relations work. ~~xxxx~~ In closing this report Mr. Baron recommended the following lose of time to be paid. Insurance Committee, Spitzer, Bernstein, Gabel, Kaplan, Teuch, two hours each. For taking charge of the office on July 9th in the absence of the B.M. and the Pres. 1st V.P. Milton Spitzer was authorized for 4 hours lost of time. 13 hours lose of time for our Pres. Leon Teuch for attending meetings ~~xxxxxxx~~ with our B,M. an different occasions.

Motion to accept B.M. report Gabel / Gale.

INSURANCE COMMITTEE REPORT .

The minutes of the Insurance Committee meeting held in the afternoon of July 8th with our ~~xxxxxxx~~ insurance broker present was read and a lenghtly discussion took place. It was brought out that our broker refused to pay any rent for 1964, and told the Committee it would be a hardship to follow throgh with his agreement with UTOG. After many pro and con discosions motion was made by Bernstein /Kronish that a Committee ~~xxxx~~ consisting of the B.M., ~~xx~~ Hy Bernstein and one ~~xxxxxxxxxx~~ other board member, to meet with our insurance broker and try to convince and persuad him to pay his rent up to June 30th. ~~xxxxxxxxx

[redacted] like to see T/S crusading as in the old days. [redacted] position in favor of only 15¢ increase, and presumably [redacted] attacks on MM who he says is motivated purely by [redacted] destroy the industry.

Had memo [redacted] reporting on inside info presumably supplied [redacted] by ITOC fink. In it reported [redacted] completely support, finance, lead and deliver [redacted] increase. Wanted slashing attack on fleets. Acceptance of MM [redacted] presumably being dis by individual boards. [redacted] of probable position memo. Award: [redacted] OA; ITOC; question mark. COMTO; [redacted] but his President for. Memo recalls [redacted] allegation made with ITOC that HF said he [redacted] increase at Public Hearing fleet payroll. M[redacted]

BB insists that public hearing is desireable, [redacted] not only wants to kill increase but is seeking to [redacted] hearing and together with Teamsters is bringing [redacted] owner-drivers leaders. Feels OH + AM are very weak. SB LT, AK and newer owner-driver rank + file.

Infuriated at any suggestion that the [redacted] industry [redacted] he feels might involve any shift in fleet position.

BB volunteered that [redacted] has it that AW + [redacted] don't see eye to eye.

BB had copy of [redacted] draft + to press release where MM [redacted] fleets. This was never released.

BEST COPY AVAILABLE

Plaintiff's Exhibit 18

1433 a

Knudsen, Averill Push Expansion Program . . .

Chevy Charts Dealership Growth

(Continued from Page 1)

potential of its dealers will amount to $2.5 billion annually by the end of this decade.

The division asks its dealers: "Can your present facilities keep pace with this exploding market?"

Extended warranties are another important part of the picture. Fishtaler notes that when the '65 models arrive, a dealer will have vehicles of three model years under warranty. He estimates that this could total 7.5 million units for Chevrolet dealers.

Industry observers point to the 1962-63 improvement in dealer profits as another reason why expansion might be attractive at this time. It's especially true at Chevrolet. There are 6,560 Chevrolet dealers. Only three of them lost money last year.

• • •

APPARENTLY dealer facilities have not kept pace with the increase in the number of Chevrolets on the road.

In 1952, R. L. Polk counted 11.7 million Chevrolet cars and trucks in operation. Last year, there were nearly 20 million, a gain of 70 percent.

But total dealership space under roof advanced only 18 percent during the 10-year span. And service department space declined 0.7 percent.

Obviously, expansion is needed. But how does a dealer go about enlarging his quarters or building new ones?

Since any major changes in facilities must be approved by the factory, the zone manager is the first man for the expansion-minded dealer to contact.

A dealer can have the plans for his new building drawn by the architect of his choice in his own city, but many Chevrolet dealers prefer to use the factory's architectural services.

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USING a building layout request form, the dealer and his zone service manager can set up tentative requirements and forward them to division headquarters. In drawing the plans, Chevrolet has the assistance of Argonaut Realty Division of General Motors.

The plans may call for three stages of growth, taking care of the dealer's immediate needs and allowing room for further expansion in the future.

Single-purpose buildings are taboo in the plans drawn by Chevrolet architects. It's a question of financing the structure. Banks, it seems, are reluctant to loan money for a one-purpose building.

This architectural service has been available for some 25 years, but it has never before been promoted to any great extent. It is probable that some dealers were unaware of it prior to the meetings with Knudsen and Averill earlier this year.

Requests for plans have nearly tripled this year. Through May 20, Chevrolet had received 96 applications, compared with only 34 for the like period of 1962. There were only 107 requests during all of last year.

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CHEVROLET also is pleased to note that 24 new dealership buildings were erected during the first three months of 1963, and 57 other dealers expanded their facilities by purchasing land or adding a building.

In drawing their plans, the Chevrolet architects hew closely to the "Dealer Facilities Guide," an eight-page booklet that lists minimum space requirements for dealerships according to their new-car planning potential.

A Chevrolet official calls this handbook "the most practical tool we've ever provided."

The Facilities Guide is a step-by-step analysis of how much space is needed for every part of the dealership operation—service area, parts area, showroom and offices, service and employe parking, new-car storage and used-car display.

In general, it recommends that 70 percent of total under-roof area be devoted to the service department, 18 percent to the parts department and 12 percent to the new-car showroom and offices.

• • •

MUCH of the booklet is devoted to advising the dealer on how to appraise his service potential and how to lay out his work stalls. It notes that total floor space is no longer the basic factor in making space recommendations.

Basic criterion now is the number of work stalls required to accommodate the work potential of a given location for customer and internal service.

Appraising the service potential is a four-step process involving the number of Chevrolet cars and trucks in operation, labor hours per customer per year, total potential labor hours and internal labor.

Owners of vehicles five years old or less are said to be the chief source of service customers, so the dealer is advised to multiply his annual planning potential by five to determine the number of vehicles in his service potential.

A dealer moving 500 new units per year would have a service potential of 2,500 vehicles.

• • •

CHEVROLET reports that 2.0 hours of labor are sold per repair order and that the potential service customer will visit the dealership four times a year.

Thus, the dealer with a service potential of 2,500 vehicles would have a total of 30,000 potential labor hours.

Internal labor is considered to be 50 percent of potential labor hours, so the dealer in this example would have 15,000 hours of internal labor plus 30,000 hours of customer labor for a total of 45,000 hours.

The labor-hours expectancy (45,000 in this example) is used in determining work-stall layout. One stall, Chevrolet says, should produce 2,932 hours of labor per year—40 hours per week for 52 weeks, less six holidays.

Therefore, 45,000 hours of labor would require 22 stalls. Chevrolet recommends 1½ stalls per mechanic, which means 23 stalls for a dealership planning potential of 500 new cars per year. This is adjusted to 32 stalls on a weighted-average method.

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IN COMPUTING area per work stall, Chevrolet notes that 70 feet is an efficient width for a dealership building—35 feet from the center of the building to the wall.

The handbook explains: "This provides enough room for two feet of bench area, three feet of working room in front of the vehicle, 15 feet for the length of the vehicle, three feet of working room at the rear of the vehicle plus nine feet for one-half of an 18-foot aisle."

Recommended stall width is 12 feet, thus the area per stall would be 420 square feet.

To this allotment, Chevrolet adds 80 square feet for other service department needs, such as tool room, locker room, manager's office and customer reception area. The recommended area per stall thus becomes 500 square feet.

Getting back to the dealer with a new-car planning potential of 500 cars per year. He would need 16,000 square feet of floor space for his service department—32 work stalls at 500 square feet apiece.

Chevrolet mentions that problems arise when space limitations require a dealer to use locations outside the main dealership building for service work.

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THE extra space outside for new-car conditioning, used-car reconditioning or body work will undoubtedly require additional manpower, the guidebook explains.

Experience has shown that a split operation is more costly from a supervision standpoint and is usually less efficient. Therefore it is advantageous to try and keep the entire operation under one roof.

Moving to the front of the building, Chevrolet advises that 250 square feet of floor space be allotted for each new car displayed in the showroom.

In Chevrolet's scheme of things, the service parking area should have two outside stalls for every one stall under roof, and the outside stalls should average 300 square feet per car. There should be 250 square feet of space for every spot in the employes parking area.

The new-car storage lot should be large enough to accommodate a 20-day supply of new cars and trucks at the rate of 250 square feet per new car.

In the used-car display area, 200 square feet per unit should be allowed. Chevrolet recommends that the lot be large enough to handle half-again as many cars as the new-car storage lot. That is, a dealer stocking 40 new cars should have room for 60 used units.

• • •

SUMMING up, here are Chevrolet's minimum space recommendations for a dealer with a planning potential of 500 to 550 new cars per year:

He should have 20,600 square feet of building area and 34,600 square feet of lot area for a total of 62,200 square feet.

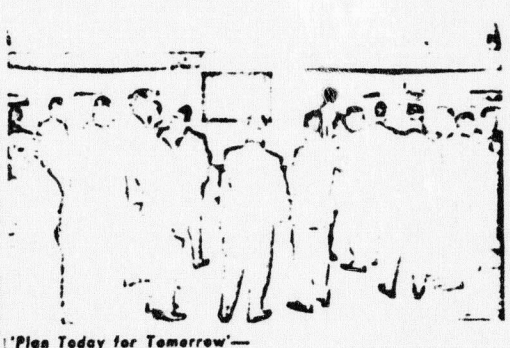
He should have 32 service stalls, and his building area should consist of 16,000 square feet for service, 4,100 square feet for parts and 2,500 square feet for showroom and offices.

He should have 19,200 square feet of service parking area with space for 64 cars, and his employe-parking area should total 6,000 square feet with room for 22 autos.

He should be able to accommodate 42 cars in a new-car storage area totaling 10,500 feet, while his used-car display area should total 14,000 square feet and should have 63 units.

The Dealer Facilities Guide includes similar space recommendations for dealerships in every volume classification.

How many of the 6,000 Chevrolet dealerships meet those requirements? That's Chevrolet's secret. But it's a safe bet that the current expansion program will raise the number of "model" outlets.



'Plan Today for Tomorrow'—

A display emphasizing the need for expansion of dealership facilities drew much attention at Chevrolet dealer meetings across the country earlier this year. At this gathering, in Washington, dealers viewed photographs of modern Chevrolet facilities in the area and saw designs of new dealerships which a dealer can request drawn to his requirements from Chevrolet's service operations department.

Service Lag Ripped As Sales Handicap

(Continued from Page 1)

ing, adding that "preference in treatment of dealers must stop."

He condemned misleading advertising, saying "some advertising is an insult to the average American citizen." He reviewed the recent government-sponsored trials in Los Angeles and "the attitude of a few men in Washington to want to run the automobile business." This, he said, is "dangerous."

Growing importance of import dealers in the American car market was emphasized by election of a Volkswagen distributor as association president and three other VW dealers to the board of directors.

Knute Qvale of Riviera Motors, Portland, is the new president succeeding Robert W. Thomas of Bend (Chevrolet-Cadillac). Other officers are Robert Mest, first vice-president, Klamath Falls (Dugan-Mest Chevrolet); Joe Romania, Eugene, second vice-president (Lew Williams Chevrolet), and Charles Colvin, McMinnville, secretary-treasurer (Gilbert Tilbury Ford).

The 1963-64 directors were elected by ballot in advance of the convention by dealer establishments grouped in several geographical areas of the state. The four VW men who won are: Qvale, Portland; Bill Johnson, Corvallis; J. W. Sayre, Roseburg, and Mel Wilson, Pendleton.

Other directors for the 1963-64 term are: Frank Akin, Brookings-Akin Motors (Ford-Mercury); Edward S. Allen, Hood River, Allen-Hay Motor Co. (Ford-Mercury); Charles E. Colvin, McMinnville, Gilbert Tilbury Co. (Ford); Leonard Conroy, Madras, Madras Main St. Garage (Chevrolet-Olds); Randy Francis, Beaverton, Dameron Ford; Keith Gentry, Ontario, Gentry Ford Sales; Claude Hand, LaGrande, Hand Ford Sales Inc.

Also Jack Kendell, St. Helens, Jack Kendell Motors (Pontiac-GMC); C. A. McRobert, Gresham, McRobert Motor Co. (Ford); Sid Menasco Grants Pass Menasco Motor Co. (Pontiac-Cadillac-Buick); Robert Mest, Klamath Falls Dugan-Mest Chevrolet Co.; Gordon Miller Oregon City Miller Motors; Studebaker-Foreign; Toby Murff, Newport Toby Murff Motors (Rambler-GMC-Datsun); Rollin P. Parsons Medford Parsons Motor Co. (Dodge); Joe F. Rocchia, Eugene-Lew Williams Chevrolet Co.; Ray Swarthout, Burns, L. R. Swarthout (Dodge-Plymouth); Richard Taggesell, Salem, Taggesell Pontiac Co.; Jackson Wentworth, Albany, Wentworth Motors, Inc. (Lincoln-Mercury).

There were two inspirational mealtime speakers: Frank Leahy, sr., former football coach at Notre Dame, and Dr. W. Ballentine Henley, president, California College of Medicine, Los Angeles. Leahy spoke on "Business and Athletic Parallels" and Dr. Henley on "Leadership—Its Price and Its Reward."

Two golf tournaments were held the afternoon of the final day—one for dealers and the other for dealer wives.

Mrs. Jenetta Tunison of Harris-Tunison Chevrolet-Cadillac dealership, Albany, won the women's event and the new association president, Knute Qvale, won the dealer contest.

VW, Dealer Sued; Crash Is Blamed On Defective Car

SIOUX FALLS, S. D.—A Volkswagen dealer and Volkswagen of America are being sued here by a woman who claims that the accident in which she was injured was caused by a defect in her new car.

Cornelia Graves, Harrisburg, S. D., filed suit against Soo Import and Volkswagen of America for $4,732. She said a car she bought from Soo Import went out of control Oct. 18, 1962, and ran into a ditch.

She charged that a faulty floor mat held the accelerator in an open position and was responsible for the accident, which occurred a month after she bought the car. She charged that the car was not inspected properly before it was delivered to her.

Soo Import has filed a cross-complaint which said that if there was any defect it was the result of a breach of warranty or duty by Volkswagen of America.

Miss Graves is asking $987 for repair costs to the car, $500 for medical expenses, $365 for lost wages, and $3,000 for pain and suffering.

It Takes Land— Lots of Land— For Chevy Deals

DETROIT—What type of physical facilities does it take to sell and service an annual volume of 2.3 million cars and trucks? R. L. Siegrist, Chevrolet director of service operations, offers some interesting figures culled from a survey of the division's 6,560 dealers.

Chevrolet dealerships comprise a total of 233,234,196 square feet with 114,500,000 square feet consisting of buildings. About 49 percent of the under-roof space is devoted to service operations.

Only 16 percent of the building space houses showrooms and offices. The rest is enclosed parking, parts storage and other facilities.

Siegrist said the average Chevrolet dealership covers 1.15 acres.

'Truck Plaza' Opens

SAN ANTONIO.—Chaparral Motor Co. (Ford) has opened a "Truck Plaza" at Broadway and North Alamo St., opposite its dealership on North Alamo.

'63 Cabs in New York Led by Ford, Dodge

NEW YORK—New York taxi fleets included 4,853 cabs of '62 vintage as of May 20, according to Taxi Weekly.

Makes included: Ford, 1,811; Dodge, 1,422; Checker, 1,176; Chevrolet, 330; Studebaker, 267; Plymouth, 21; Chrysler, 2; Pontiac, 3; Rambler, 2, and Mercury, 1.

Compact Visitor—

Eight-month-old Michael Sibo, believed to be the youngest American ever to tour the Volkswagen factory in Wolfsburg, Germany, inspects a VW on display at the plant's reception lounge. Young Michael is the son of Mr. and Mrs. Willie Sibo, Roseville, Mich. The Sibo's were one of 40 Detroit-area couples who visited Germany on a tour arranged by the VW Club of Detroit. Arrangements for the factory visit were made by Autobahn Motors, VW dealer in Pontiac.

6-3-63

Management-Labor Protest . . .

Parcel-Post Plan Rapped

WASHINGTON. — Management and labor organizations have joined the Transportation Assn. of America in opposing pending legislation to give Congress authority over surface parcel-post rates.

The transport groups insist that the authority should remain with the Postoffice Department and the Interstate Commerce Commission.

They claim that the bill (H. R. 9036) raises the threat of subsidized and unfair government competition with private industry.

The management and labor bodies joined in a statement of principles transmitted in a letter from TAA President Harold F. Hammond to Rep. James H. Morrison, Louisiana Democrat. Morrison is chairman of the Postal Rate Subcommittee that is holding hearings on the bill.

The bill to give Congress the job of setting surface parcel-post rates would repeal a 53-year-old statute directing the Postoffice Department to fix such rates, subject to the consent of the ICC.

It would also repeal present law —currently in suspension during a three-year moratorium expiring next summer—requiring the Postmaster General to certify annually that existing or proposed parcel-post rates will cover the costs of such service, within a permissible leeway of 4 percent plus or minus.

The TAA statement contends that congressional making of surface parcel-post rates "would likely result in deficit operations" and thus create unfair, subsidized government competition with private enterprise carriers of small parcels and packages.

It said this was likely "due not only to built-in delays in the legislative process, but also to the inevitable and hard-to-resist political pressures on Congress to permit higher costs and resist rate increases levied against parcel post users."

The joint statement said that parcel-post service, as a supplement to privately operated transport, "today will serve some public needs and should be encouraged to operate with maximum economy and efficiency." But it also declared:

"Parcel post should be rendered on a businesslike basis as a self-supporting operation—with rates covering costs—which is a concept required by Congress since 1912."

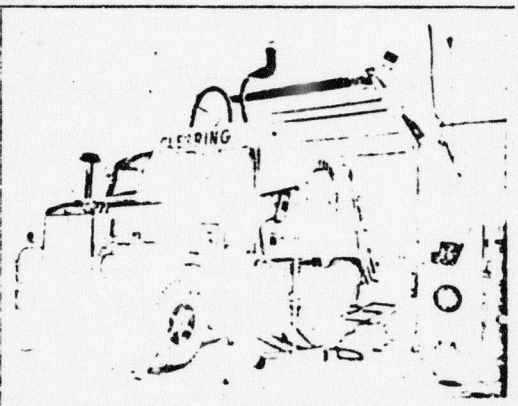
The following organizations joined the TAA in the statement: American Trucking Assns., Assn. of American Railroads, International Assn. of Machinists, National Assn. of Motor Bus Owners, American Short Line Railroad Assn. and Assn. of Oil Pipe Lines.

Also, Railway Labor Executives Assn. (22 labor organizations), Freight Forwarders Institute, REA Express, Air Transport Assn., Amalgamated Transit Union and United Parcel Service.

Chrysler Credit Opens Two Branch Offices

DETROIT. — Chrysler Credit Corp. has announced the opening of branch offices in Cincinnati and San Diego.

The Cincinnati office with headquarters at 7615 Reading Rd. will be managed by Kenneth N. Standafer, while the San Diego outlet at 542 Mission Valley Center, West, will be managed by William D. Sheets.



Mack Opens Truck Hospital in Chicago—

Modern engine and chassis dynamometer rooms play important roles in a hospital for trucks opened by the Chicago branch of Mack Trucks, Inc. Here, an oiling truck gets a checkup as the driver watches gauges on a portable rack while he revs up the engine. Bernard E. Platt, Chicago branch manager, said the new diagnostic facility contains the latest equipment and some innovations introduced by Mack.

New Russian Cab Also Will Truck Rider's TV Set

MOSCOW.—Test runs have been scheduled for a new Russian-built two-door, rear-engine taxicab to replace the Volga four-door sedan, which is the current standard Soviet cab.

The new cab was designed with the unusual habits of the Russian cab rider in mind. Since home deliveries are uncommon, many Russians call cabs to haul items like TV sets or even refrigerators.

Designers have come up with a rigid body which they say is more durable. There is a small door on the left side for the driver's use only. On the right side is an extra-wide door to provide easy access for the bulky items the riders carry.

For easy and safe opening, the passenger door is a slide door operated electrically by the driver.

The engine is positioned crosswise in the rear of the cab, and the front passenger seat is a combined baggage-rider compartment. For the occasional fourth passenger, there is a folding seat.

Called the 1847, the cab has the cheaper undercarriage and engine of the Moskvich 408, a European-size compact. The engine, however, will be less powerful than the regular Moskvich power plant, and it is hoped that the engine will be cheaper to build and operate.

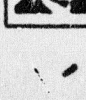
Most N. Y. Cabs Bear Dodge Tag

NEW YORK.—More Dodge taxicabs are operating in New York City than the total of all other makes, according to *Taxi Weekly*. As of mid-June, the Dodge total was 6,718. This compared with 2,990 Fords, 1,300 Checkers, 741 Chevrolets, 110 Studebakers and a smattering of other makes. Total number of cabs was 11,753.

Of the 1965 models, 3,474 are Dodges, 1,351 are Fords, 472 Chevrolets, 157 Checkers, two Mercurys and two Chryslers.

For the comparable date in 1964, the current-year model total was 3,237 Dodges, 1,662 Fords, 387 Checkers, 361 Chevrolets, 184 Studebakers, three Chryslers and two Pontiacs.

Dealer Loss

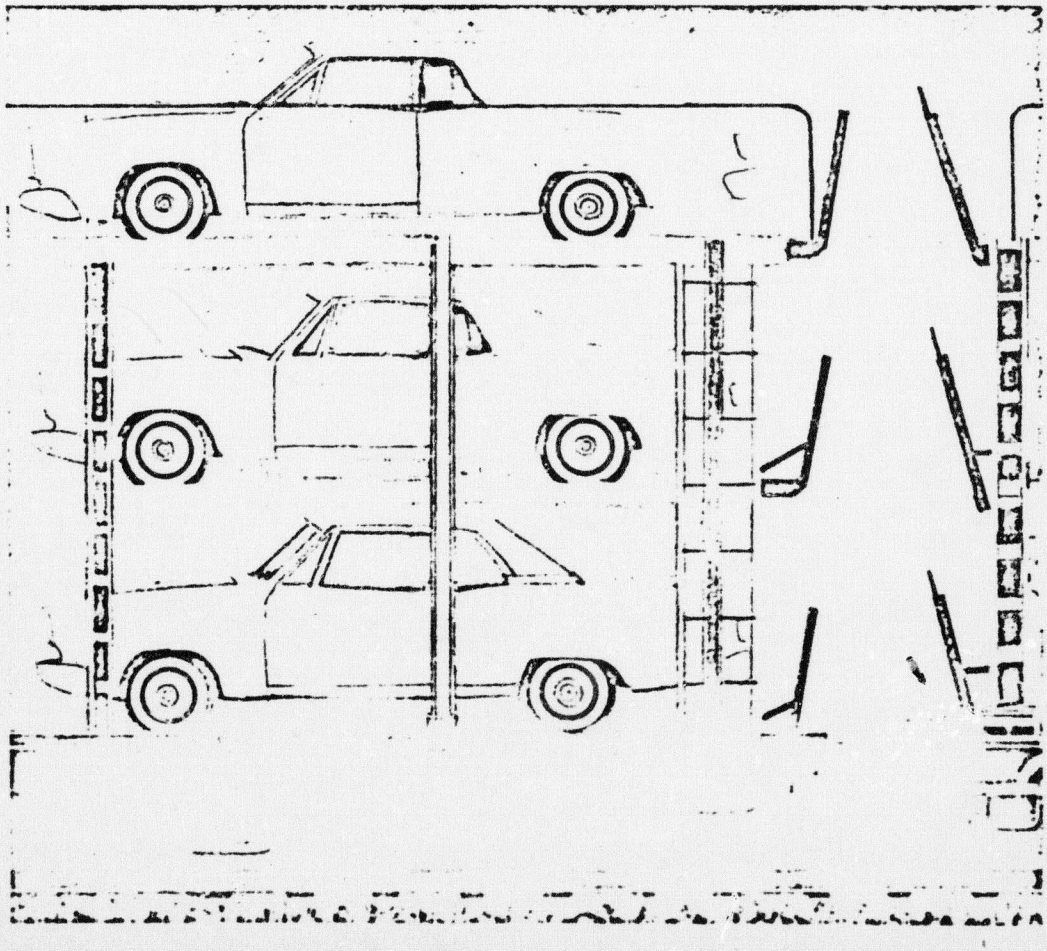


Unless you reach the public (thank man & woman) via LUMAN INTEREST SPONSES your loss of GOOD-WILL, widespread attention to irresistible bargains from 66 Parks, 33 Suburbia Dr., Norwalk, Conn. 06851.

Economy Run

Watch the new cars go by! This year you can in greater numbers than ever. Predictions are that up to nine million new cars will have been sold throughout the country by year's end. The figure, an all-time record, is staggering, but its significance is more than numerical. It points up the fact that nowhere else on earth is the automobile so readily within reach of so many people. For styling, performance, economy of purchase and operation you'll go far to beat the products of our automotive industry.

We know because helping deliver new cars is part of our job on Coast Line. And for it we have developed our own economy run with our own special high perform-



Auto, Tire Makers Assign 22 Reps . . .

Safety-Check Plans Move Ahead

WASHINGTON. — Preparations for the 1965 National Vehicle Safety Check are being made by 22 men assigned to the task by automobile and tire manufacturers.

The special representatives, who have completed an intensive briefing at Safety-Check headquarters here, will work in states not having official vehicle inspection. They will assist state and local groups in organizing voluntary Safety-Checks.

It is the 10th consecutive year the manufacturers have made teams available to Auto Industries Highway Safety Committee. The Safety-Check program, going into its 15th year, is sponsored by AIHSC and *Look* magazine, with the cooperation of the Assn. of State and Provincial Safety Coordinators.

Last year, some three million vehicles were checked in more than 3,700 Safety-Check programs. Nearly a half million vehicles were found in unsafe driving condition, of which 47 percent were corrected and rechecked.

According to Thomas R. Reid, AIHSC chairman and Ford Motor Co.'s director of civic and governmental affairs: "The sole purpose of the annual Safety-Check is to encourage positive community action to rid hometown streets of vehicles in unsafe driving condition.

"This annual national program is one of the most important methods by which millions of motorists in states without official inspection have hazards detected."

The 1965 National Vehicle Safety-Check will begin May 1 and last through June.

During the program owners may drive their vehicles into check lanes for a free inspection of 10 items: Brakes, all lights and turn signals, steering, tires, exhaust system, glass, windshield wipers and washers, rearview mirrors, horn and seat belts.

Check lines are manned by citizen volunteers as well as by mechanics of new-car and tire dealers.

AMERICAN MOTORS CORP.—Fred W. Teague, Iowa.

CHRYSLER CORP.—Ernest W. Vail (Dodge), Oklahoma; Charles W. Morris (Dodge), Alabama; Louis M. Tuttle (Chrysler-Plymouth), Southern California, and Lewis Q. Brown (Chrysler-Plymouth), Kentucky.

FIRESTONE TIRE & RUBBER CO.—V. A. Langille, Illinois, and J. William Bonewitz, Tennessee.

FORD MOTOR CO. — Edward S. Roache jr. (Ford), Missouri, and Michael D. Brown (Lincoln-Mercury), Wisconsin.

GENERAL MOTORS — Howard Ruiz (Chevrolet), Kansas and Nebraska; Robert W. Edwards (Pontiac), Northern California; Gerald R. Montgomery (Oldsmobile), Indiana; L. D. Burkhardt (Buick), Michigan; J. Barry Mitchell (Cadillac), Oregon and Idaho, and A. L. Hamelin (GMC), North Dakota and South Dakota.

GENERAL TIRE & RUBBER CO.—D. E. Robertson, Arkansas.

B. F. GOODRICH TIRE CO.—Paul W. Bernard, Maryland, and James R. Rutherford, Ohio.

GOODYEAR TIRE & RUBBER CO.—W. A. Forrest, North Carolina, and Crede C. Bowser, Washington.

U. S. RUBBER TIRE CO.—Walter L. Clarkson jr., South Carolina, and Walter S. Angst, Florida.

Walter C. Lunsford, Western regional representative for AIHSC, will cover Montana, Nevada and Wyoming. Mark Markson, chief of the Safety Promotion Section, Minnesota Department of Highways, will cover Minnesota.

Rotunda Line Expanded

DEARBORN.—Ford Division has announced the expansion of its Rotunda Automotive Equipment Program to include wheel-alignment devices, on-the-car wheel balancers, brake-service equipment, a line of power tools, headlight testers and undercoating.

Dodge Has Big Lead In N. Y. Taxi Fleet

NEW YORK. — Dodge has a 2-to-1 edge over second-place Ford in the number of '65-model taxicabs operating in New York City, according to Taxi Weekly. Latest figures on the '65 units are: Dodge, 1,756; Ford, 867; Chevrolet, 239, and Checker, 49.

The publication reported that 11,733 cabs were registered in the city early in January. The leaders were: Dodge, 5,612; Ford, 3,193; Checker, 1,769; Chevrolet, 836, and Studebaker, 232.

32 States Ponder Change in Vehicle Size, Weight Rules

WASHINGTON. — Measures to change motor-vehicle size and weight limits have been introduced so far this year in 32 states according to a recent survey by the National Highway Users Conference. Most proposals would permit greater load capacities in view of the thousands of miles of new higher-design expressways constructed in recent years.

A newly enacted Arkansas law authorizes permits allowing 18,000 pounds on the steering axle of specially designed vehicles engaged in occasional or specialized heavy hauling. A pending bill would reduce axle and over-all gross weight limits.

A Maine bill (passed House) would raise the weight permitted tandem axles from 32,000 pounds to 36,000 on highways other than the Interstate System. Other bills would increase the maximum gross weight for certain [illegible]

(Continued from Page 2)

siderable aluminum in the cooling system."

"Dowgard cooling system fluid is a premium quality year-around all-weather automotive coolant," Robert Hansen, head of Dow's automotive chemicals laboratories, said.

"It is a scientifically-formulated blend of diethylene glycol, ethylene glycol, balanced inhibitor systems and specially treated water—purer than distilled water.

"Dowgard is designed to give automotive engine cooling systems protection against rust and corrosion, freezing and over-heating from minus 40 degrees F. to plus 240 degrees F. for one full year."

In order to prevent dilution or contamination of the coolant while it is in the car, a blue cover has been designed to go over the radiator cap, giving the date when the system requires reservicing with fresh fluid.

Once serviced and closed, a system containing Dowgard should not be opened for one year, Dow advises. Should accidental leaks occur, the system should be serviced and more fluid added as required.

The new fluid will be available only through service dealers, who will prepare the cooling system and install the coolant, Dow said.

Installation of the new fluid should be made after a thorough flushout and checkup of the cooling system by an experienced dealer, Hansen advises.

"Dowgard can be installed at any time during the year. The spring drain out season is a good time to install this new coolant and be set until the following spring," he said.

Dow will introduce the new product in a national marketing program this spring. The media will include local newspapers, national TV and trade and consumer magazines.

Nationwide automotive jobber distribution channels are being organized to handle the product.

Ford Has Big Lead In N. Y. Taxi Sales

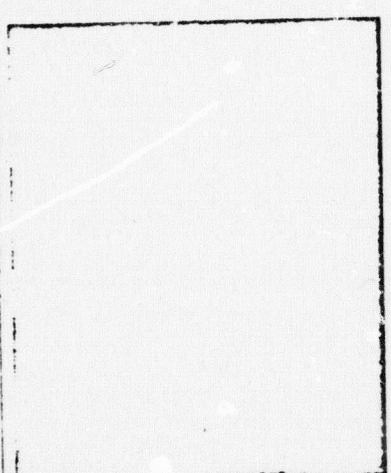
NEW YORK.—Ford has a commanding lead in the number of '60 model taxicabs operating in New York City, according to Taxi Weekly.

The paper said 729 new Ford cabs had been registered through Dec. 21, compared with 187 Studebakers, 142 Checkers and 74 Dodges. Figures for other makes were: Plymouth, four; Chevrolet, Rambler and Mercedes-Benz, two each, and Pontiac and Chrysler, one each.

1-11-60

...ringing ... workers employed at the plant makes V-8 engines for Dodge and Plymouth.

Only three Chrysler assembly units are still working one shift daily. They are the Imperial and Dodge Truck plants in Detroit, and the Los Angeles assembly plant.



Safety Message—

The world's largest safety sign was in operation for the New Year's Holiday. The sign covered the entire 18-story Commercial Credit Bldg. in Baltimore. The safety slogan "Drive Safe" was spelled out by the lights in its windows, making the message visible for miles.

 1-4-60

made you decide to get the ... you now have?" 26.5 percent ...d the old car broke down; 13.7 ...ercent purchased because it was a good buy; 1.7 percent needed a second car, and 10.3 percent said they bought because they wanted a later model.

Most used-car shoppers want a ...ar just a little newer than the one hey now own. Fifty-three percent ...f persons owning a car nine to 10 ...ears old replace it with one that is ...ix to eight years old.

Newspaper classified advertise...ents play an important role in ...sed-car selection.

Prospects use the ads as a shop...ng guide and to get an idea of ...e current value of their present ...r, as well as of the car they plan ... buy.

When asked which form of mass ...mmunications gave them their ...ying lead, 87.9 percent mentioned ...wspapers. The study also showed ...e prospective used-car buyer ex...cts the media to protect him ...m deceptive advertising—just as ... expects the manufacturer to ...rt a policing action.

The buyer's main concern in pur...sing a used car is its mechani... condition, with cost as the sec... most important consideration, ... study found. New-car buyers, ... the other hand, indicate that styling is their primary consi...ration.

In comparing used-car owners with new-car owners, the study showed that blue-collar workers, who account for 56 percent of new-car purchases, made up 71 percent of the used-car owner group. Professional and managerial persons (23 percent of new car market) made up 10 percent of used car group.

And, while 70 percent of used cars are purchased by persons 36 years of age or older, 70 percent of used-car purchases are made by persons under 46.

The dynamic character of the ...

N. Y. Taxi Fleets Add 151 '60 Cabs in a Week

NEW YORK.—The number of 1960 model cars added to New York's taxi fleets increased from 679 in the last week of November to 830 in the first week of December, a total of 151, according to Taxi Weekly.

More than half of the new cabs are Fords (557), the publication ...ted. Other '60 makes represented include Checker, 125; Studebaker Lark, 99; Dodge, 39; Plymouth, three; Chevrolet, Mercedes-Benz and Rambler, two each, and Pontiac, one.

...uloney, and I would wait for a ...w car before I would buy a used ...r."

Imports entered the used-car picture in this answer given by another person: "I must warn that I am opposed to foreign cars, but I am also opposed to used cars. Should the steel strike present a situation wherein I could not buy a new American-built car, I would prefer to buy a new foreign car before I would invest my money in a used American car."

Among others reporting, the majority said that a steel strike or any shortage of new cars would make no difference to them, and they would prefer to wait, if necessary, for a new U. S. car.

Most owners of domestic autos felt that any trend toward an increased used-car market would give their present cars a higher tradein value.

Switalla Opens Import Deal

SAN JOSE, Calif.—The Japanese-built Prince Skyline is being handled by International Trade Center, which has opened at 4855 Stevens Creek Blvd. The firm is operated by R. C. Switalla.

FARBERS

Lawsuits Affecting Dealers . . .

Court Decisions

By Leo T. Parker
Attorney at Law

I RECEIVED an interesting letter from A. White of Brooklyn, N. Y., in part as follows: "For many months I have been a constant reader of your legal court decisions in AUTOMOTIVE NEWS. In fact I classified these suits in a scrap book so that when a legal problem arises I can refer to my book and generally find at least one of your reported cases which will assist me to avoid financial loss.

L. T. Parker

"In the past this book has saved me much money. A few weeks ago you published some information as to the circumstances under which a driver can carry a loaded revolver in his automobile without disobeying the law. My question is whether an automobile driver violates a state law which prohibits 'carrying' of concealed weapons if he has a loaded revolver in his car?"

The answer is yes, if state law positively prohibits the carrying of concealed weapons.

For illustration, in People v. Smith, 164 Pac. (2d) 857, the testimony showed facts, as follows:

The owner of an auto parked it in a parking lot. Police officers discovered in the glove compartment of the automobile a .45-caliber revolver.

Although the officer testified he had not seen the auto owner inside of his car, nor had be seen the car in motion or on a public street, the higher court convicted the auto owner of carrying concealed weapons. This court said:

"The word 'carry' in one sense means: 'To have upon or about one's person. To hold or bear; to bear. To act as a bearer. Used in the active transitive sense, the word 'carry' has been said to connote transportation but when used in the general sense of carrying arms or carrying weapons the word means 'going armed, wearing weapons.'"

* * *

'60-Model Cabs Listed For New York City

NEW YORK CITY.—An additional 64 new 1960 taxis were placed in service here in the week ended Nov. 23, according to Taxi Weekly.

Newcomers included Checker, 29; Studebaker, 14; Dodge, 12, and Ford, 9. Among the 568 1960-model cabs in operation, the paper listed Ford, 443; Checker, 78; Studebaker, 27; Dodge, 16; Chevrolet, 2; Pontiac, 1, and Plymouth, 1.

Owner Isn't Liable

MANY states have laws which provide that the owner of an auto should not be liable in damages for injuries sustained by a person who rides in the auto free or gratuitously. Last month a higher court rendered an important decision to the effect that although a passenger buys gas to operate

1-14-59

1439 a

Rover Names Douglas . . .

Import-Car News Notes

Rover

APPOINTMENT of Henry B. Douglas as Eastern United States regional manager has been announced by Rover Motor Co. of North America, Ltd.

Henry B. Douglas

Douglas has been serving as field sales supervisor for the Eastern United States Region. Before joining Rover, he was with Mercedes-Benz Sales, Inc.

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Triumph

JANUARY-FEBRUARY sales of Triumph sports and economy cars were up 14.7 percent over the same period last year, Standard-Triumph Motor Co., Inc., announced. Wholesale figures for the two months showed 3,084 units this year, compared with 2,671 a year ago.

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Volkswagen

AUTO ASSOCIATES, INC., Volkswagen distributor for Pennsylvania and Delaware, has presented Business Management Awards to seven office managers in Volkswagen dealerships in the two states.

Honored this year were:

Mario Cesarini, West German Sales Corp., Ft. Washington, Pa.; Charles Hepner, Garth Pitcairn, Inc., Morrisville, Pa.; C. F. Fehnel jr., Holbert's Garages, Inc., Warrington, Pa.; John Merkle, Kelly Motor Co., Scranton, Pa.; Edna Rupert, Hillcrest Motors, McKeesport, Pa., Kurtz Houser, Scott Motor Co., Washington, Pa., and Jean Buchanan, McDonald Motors, Butler, Pa.

Willard E. Robertson, president of International Auto Sales & Service, Inc., New Orleans, Volkswagen distributor for Louisiana, Mississippi, Alabama and Tennessee, announced plans for a $1,500,000 building expansion program for its headquarters at 4200 Michoud Blvd.

The new building will be constructed on a 29-acre site and will contain 29,000 square feet of administrative office space and 72,000 square feet of warehouse space. Plans call for cafeteria and employee rest area.

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Renault

RENAULT, INC., has announced its "Top 25" dealerships in the United States for January. Because of ties, 30 dealers made the list. The list, in order of rank, follows:

Art's Cars, Inc., Dayton, O.; Biasco Auto Corp., Caparra Heights, Puerto Rico; Eastern Auto Distributors, Inc., Norfolk, Va.; Harrigan Motors, Kansas City; Clayton Motor Co., Knoxville, Tenn.; (tie) Midwest Foreign Cars, Kansas City, Kans., and G. B. Hewett Motors, Spring Lake, N. C.; (tie) Eastern Auto Distributors, Inc., Hampton, Va., and E. G. Bradley, Richmond, Va.

(Tie) Ponce Auto House, Inc., Ponce, Puerto Rico, and Shannon Bros., Inc., Jacksonville, Fla.; (tie) Seven Leo Adler, Southfield, Mich., and Sunset Motors, San Diego, Calif.; (tie) Omaha Imports, Omaha; G. F. Motors, Chicago, Seven Leo Adler, Roseville, Mich., Ken Garff Co., Salt Lake City, C & G Imports, Emmaus, Pa., and Jose J. Figueroa & Sons, Inc., Caparra Heights, Puerto Rico.

(Tie) Barry Foreign Imports, St. Louis, Don Schmid Motor, Inc., Wichita, Kans., Eli Motors, Inc., Miami, Reedman Automobiles, Inc., Langhorne, Pa., and Hanson Brick, Decatur, Ga.; (tie) Tafel Motor Co., Louisville, Murray Motors, Delray Beach, Fla., Imported Motors, Ft. Lauderdale, Fla., L. E. Uebersax Co., Seattle, South Shore Auto Sales & Service, Baldwin, N. Y., and Chuck's French Cars, Inc., Pittsburgh.

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Toyota

TOYOTA Motor Distributors has named Royden C. Eckersley regional manager for the Eastern United States. He formerly was Peugeot's national marketing manager and prior to 1961 served 14 years with Chrysler Corp.

On the West Coast, Toyota Motor Distributors held its initial Dealer Advisory Council in Los Angeles. Shoji Hattori president of the firm, said that due to the success of the initial meeting, Toyota has scheduled similar meetings on both coasts on an annual basis.

Meanwhile, Carl Bartz, president of Carl Bartz Motors, Inc., Denver, has been named dealer of the month for February by Toyota. Bartz also represents Peugeot, Citroen and Renault. He has been a Denver auto dealer for over 30 years.

Toyota Motor Distributors, Ltd., has designated Houston as its fifth port of entry in the United States and has opened a regional office there to serve Texas, Oklahoma and Louisiana.

The company plans to open a Chicago regional office this spring. Toyota currently has dealers in 13 Western states and 10 New England and Atlantic Coast states. The firm expects to add dealers in 15 states this year.

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Porsche

PORSCHE has announced it is now producing automobile bodies in its own factory at Stuttgart, Germany. The installation was acquired by Porsche from Reutter & Co. The body facility has been named Karosseriewerk Porsche GmbH, with Ferry Porsche as president of the new firm.

Reutter will continue to produce auto accessories and supply seats and seat mountings for Porsche. There will be no change in output of Porsche bodies at the Karmann factory in Osnabruck.

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Datsun

NISSAN MOTOR CORP. showed its '64 Datsun four-door sedan and station wagons to 29 dealers, their employes and families at the Sheraton-Lincoln Hotel, Houston. The dealers were from Texas, Oklahoma, Alabama, Missouri, Arkansas and Mississippi.

The meeting was arranged by Takayoshi Sogo, Houston branch manager for Nissan Motor. Principal speaker was Lee Stokes, Datsun sales manager.

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British Motor Corp.

BRITISH MOTOR CARS, INC., Portland, Ore., has completed a $124,500 expansion program at its facility at 1838 W. Burnside St. The addition of showrooms allows display of about 100 new and used cars. The British Motor Corp. distributorship headed by Bernard Hagan, serves dealers in Oregon, Southern Washington and Idaho.

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Jaguar

EIGHT new Jaguar dealers have been appointed. They are: Coddington Sports Center Inc., Santa Rosa, Calif.; Gregar Motor Co., Morrisville, Pa.; Autolab Imports, Inc., Woburn, Mass., and Foreign Motors, Inc., Boston.

Also, Foreign & Sports Car Center, Pittsfield, Mass.; Cartelli Pontiac Co., Holyoke, Mass.; Foreign & Sports, Inc., Worcester, Mass., and T. N. M. Lathrop, Inc., New London, Conn.

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MG

HAMRO DISTRIBUTORS, INC., has delivered its first group of MG Sports Sedans to the Los Angeles International Airport facility of National Car Rental Co.

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Volvo

STATISTICS released by the Federation Internationale de l'Automobile show that Volvo, by capturing the 1963 Coupe de d'Europe des Rallyes and the 1963 Coupe des Dames, became the first car in history to win two European rally championships in one year.

The victories were scored by Gunnar Andersson, who drove a Volvo 122-S sedan in general classification FIA rallies and by Mrs. Sylvia Osterberg, who drove a Volvo 122-S in the FIA women's class competition.

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Coventry Climax

COVENTRY CLIMAX ENGINES, LTD. has been awarded the Dewar Trophy by the Royal Automobile Club for the most outstanding British technical achievement in the automotive field in 1963.

The RAC Citation said the award "had been earned by the design development and production of the engines which have brought British cars to the forefront in the field of grand prix racing."

Cars powered by Coventry Climax engines won for Britain the World Manufacturers Championship and the World Drivers Championship in 1958, 1960 and 1963. In 1962 the combination of the Lotus-Coventry Climax car and Jim Clark as driver won seven world championship Grand Prix events.

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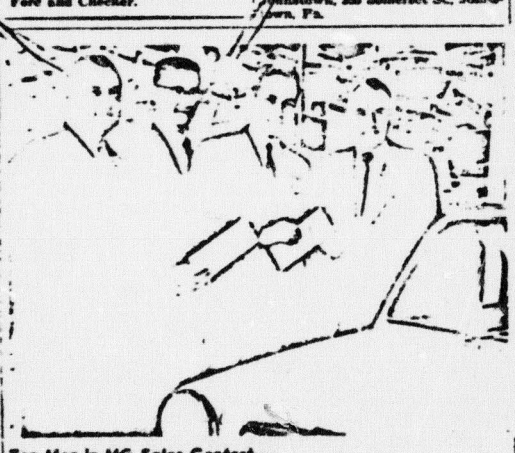
Saab

SAAB MOTORS, INC., has appointed two dealers: Sports Car City, 2627 N. W. 10th, Oklahoma City, and Saab Motor Sales of Johnstown, 288 Somerset St., Johnstown, Pa.

'64 Dodge Taxicabs Lead in New York

NEW YORK—Dodge has a big lead in the number of '64-model cabs operating in New York City, according to Taxi Weekly.

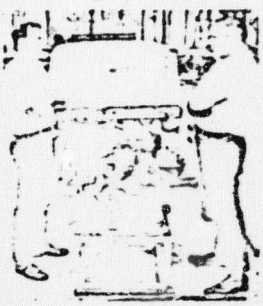
The publication said 1,731 current-model Dodges were in taxi service here at the beginning of March. Ford was second with 1,039, followed by Chevrolet, 343; Checker, 226; Studebaker 183, and Pontiac, 1. Dodge also leads in cabs of all years, followed by Ford and Checker.



Top Men in MG Sales Contest—

Top winners of BMC/Hambro's "Over the Goal with MG" contest were salesmen George O'Brien jr., center left, and dealer Don Stahl, center right, of Sport Car Sales, Rochester, N. Y. Presenting the awards were Ian Shaw, left, BMC/Hambro senior sales executive, and Frederick Royston, right, president of Royston Distributors, Inc.

At Imp Introduction



Imp Introduction—

A chrome-plated cut-away Sunbeam Imp engine shown at the Imp introduction in New York City attracts the interest of George Bay jr., left, Bay's Auto Sales, Inc., Newport, R. I.; Andrew Davis, Davis Motors, Inc., Tiverton, R. I., and George Bay sr., right, Bay's Auto Sales. About 200 Rootes dealers attended the New York showing. Others attended showings in Miami and Las Vegas. In picture at the right, James Wendlick, left, southeastern service representative of Rootes Motors, and Ed McDonald, national service training manager, points after removing an Imp engine in 6.5 minutes. They replaced the motor in 10 minutes. The car was operated before and after the operation. Ordinary tools and equipment were used in the demonstration at the dealer showings.

Sioux Falls Upturn Reported . . .

U. C. Picture Brightens

SIOUX FALLS, S. D.—The Sioux Falls used-car picture, which ended 1963 extremely darkly, is showing some bright spots here and there, according to a survey of new-car and independent dealers.

Two firms said their used cars definitely had come back to life, some others expressed cautious optimism that the situation is loosening and several said they still are not moving their used cars at the rate they should.

Kindler Pontiac-Cadillac has delivered more used cars in January than it did in September, October, November and December.

"We are selling two used cars to one new car this month," said Henry Kindler, owner, who also said his new-car sales are strong and far ahead of last year. He considers the change upward in used-car sales extremely important.

He said: "This is where a dealer's profits lie. You have to move used cars to make room for new cars."

As of Jan. 1, he said, he did not expect the sudden upsurge in used-car sales which developed with no special promotion.

Charles Boyd, Town's Edge Motors, president of South Dakota Independent Automobile Dealers, expressed strong optimism for the coming weeks, saying his firm's sales are ahead of a year ago.

"We've noticed quite an improvement around here," said Boyd, who added that his firm sells a predominance of late-model, heavy and well-equipped cars. He said many used-car dealers in the city are encouraged by recent weeks' sales.

Paul McKean, L. A. McKean Auto Co. (Buick-Studebaker), said his used-car sales "seem to be picking up. We put on a sale early in January which seemed to help." He said, however, that rough cars don't move—the sales action is in the cars of good condition.

Bahnson Motors (Plymouth-Valiant), reported a little more used-car action than before Christmas, but labelled the sales still uneven and not developing a solid "up" trend.

Billion Motors (Oldsmobile), and Hutton-Tufty (Dodge-Chrysler-Imperial), are seeing some improvement, but consider the situation still "sticky."

Clarence Madsen, Madsen Lincoln-Mercury, believes the component are one of the causes of the used-car slow down, which he this area had full. He noted that a buyer often by passes a late model used car priced at $2,200 for a good sized compact of nearly no mark waiting capacity which sells for $2,195, carries a new-car guarantee and is cheaper to finance.

Hen-Hur Ford, like Madsen, called its used-car sales extreme slow and said it didn't expect an upturn for several weeks.

Midtown Motors (Rambler), expects good action in the next 30 days.

Rochester Deal Wins Top Prizes In MG Contest

ROCHESTER, N. Y. — Dealer Don Stahl and salesman George O'Brien jr., both of Sport Car Sales, Rochester, won the top prizes in the "Over the Goal with MG" contest which British Motor Corp./Hambro staged for retailers in the North-Central section of the United States.

The contest was designed to boost sales of the MG Sports Sedan. Dealers and salesmen received points for demonstration rides and deliveries during a two-month period.

O'Brien sold 15 cars and gave 75 demo rides during the contest to become "Player of the Year." Stahl made it a clean sweep by taking the top dealer award as "Coach of the Year." Sport Car Sales sold 23 Sports Sedans and gave 175 demonstrations.

O'Brien won a week's trip to London, and Stahl will have a week in Piccanic. They also will be guests of BMC/Hambro for a weekend in New York for the opening of the International Automobile Show in April.

The awards were presented by Ian Shaw, senior sales executive for BMC/Hambro. Frederick Royston, president of Royston Distributors, Inc., added a bonus for his top dealer and salesman.

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60 Cabs in N. Y. Fleets Boosted by 300 in 7 Days

NEW YORK.—More than 300 new cabs were added to New York City's taxi fleet in a seven-day period, according to the Taxi Weekly. Ford scored the biggest gain, accounting for 154 units, and brought its total of '60 models on the streets to 969, the publication said.

The next-largest increase was achieved by Dodge, which jumped from 43 to 126 units. Chevrolet added 51 to boost its total to 140. Checker, 20; Studebaker, four, and Plymouth, one. Studebaker has the second-largest number of new models in service, 192, Taxi Weekly said.

both automotive and building construction. This was 41 percent above $216,900,913 reported for 1958.

"The record earnings for 1959 resulted in part from high sales volume," according to John D. Biggers, chairman, and George P. MacNichol jr., president, "but they would not have been possible without the heavy investments made in new and improved facilities during recent years and the cumulative effect of many steps which have been taken with the cooperation of LOF employes to reduce production costs and increase operating efficiency."

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Divco-Wayne Sets Records In Sales, Profit for Year

Divco-Wayne Corp. reported a profit of $1,672,535 on sales of $35,956,561 in the fiscal year ended Oct. 31. The preceding year brought a profit of $1,122,218 on sales of $26,460,770.

Both sales and earnings in the year just ended were records. President Newton Glekel said the outlook for the current fiscal year was "most promising."

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3 M's Sales Up By 18 Percent

Minnesota Mining & Mfg. Co. reported that 1959 consolidated sales were approximately $445,000,000.

Louis F. Weyand, retiring

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Chevrolet.

FORD.—Don't you think this is more of a problem for the sales department to handle than for us? They can come in and ask us, but I think in a case like that, we refer them to the division or the region.

BAYNE.—It is an operating problem to beat Chevrolet. It is quite an operating problem. (Laughter).

FORD.—It doesn't affect our position here, but they can come in here and try and seek advice from us on how they can do better.

Q.—In terms of their own averages, Chevrolet's performance and their averages?

FORD.—Yes.

Q.—Speaking of problems that dealers might have, have you had many requests for hearings from, let us say, Lincoln-Mercury dealers who have not received Comets?

FORD.—Yes, we have.

Q.—How many?

FORD.—I can't tell you how many or what the percentage is, but we have had some come in.

FREESE.—In fact, the board was instrumental in working out a basis upon which all Lincoln-Mercury dealers except those who have received notices of termination could be granted Comets, as a re-

Confer with Councils

Q.—How do you work with the dealer councils of the various divisions? Do you attend their meetings?

FORD.—We attend their national meetings. We don't go into the regions and the district meetings, but when the National Dealer Council meets here, we sit with them, with the division, and then, usually the last day of the council,

Almost Half of '60 Cabs In New York Are Fords

NEW YORK. — Ford had a wide lead in the number of 1960 models in New York cab fleets, according to the latest tabulation by Taxi Weekly. There were 1,357 Fords, compared with 504 Dodges and 413 Checkers.

Ford accounted for almost half of the 2,892 new models of a number of makes. Other totals are: Studebaker, 324; Chevrolet, 215; Plymouth, 30; Rambler, 12; Mercedes-Benz, three; Pontiac, Chrysler, Buick and Mercury, one each.

of his sales agreement [illegible] recommend to them.

Beyond that, you get into the realm possibly of good ethics from a business standpoint, and there, all we can do is take the matter up, give the dealers our views on the soundness of the type of advertising they are doing, and I might say that quite often, this is price advertising that you run into.

If you get into the field of price advertising; so long as the dealer is willing to deliver the car at the price he advertises and our office finds that there is nothing misleading or deceptive about the way the ad is posed, then it is all right. But if he is going to demand a down-payment and doesn't say so in the ad, then it becomes deceptive, and we can act on that. But if it is just a straight price ad, he is privileged to advertise and sell the car at whatever price he wants to put on it, and we can't say that that is a breach of the agreement or that he must stop that.

Now, if he is doing it though on the basis that is clearly unsound and he can't show that it is developing business for him on a profitable basis, then we can go to him and counsel with him and review with him his business judgment in continuing on that basis, and we do that, and have our divisions do that.

Q.—Do you have the authority to terminate a franchise for misleading advertising?

FREESE.—The company has the authority, yes. It would be a breach of the agreement.

FORD.—That is a breach of the agreement.

FREESE.—We have a trade practices provision in the agreement that would constitute a breach of the agreement if the dealer were to engage in fraudulent, deceptive or misleading advertising.

Q.—Is that authority invoked very often?

FREESE.—Well, yes. It has been invoked wherever advertising has been brought to the company's attention and it has been found to be fraudulent, deceptive or misleading.

Q.—And you would like to have the dealers so inform you?

FREESE.—Yes. Before we invoke

part, [illegible] possibly a sure.

FREESE.—questions legal righ vising ar are doing that is p point for of our sa

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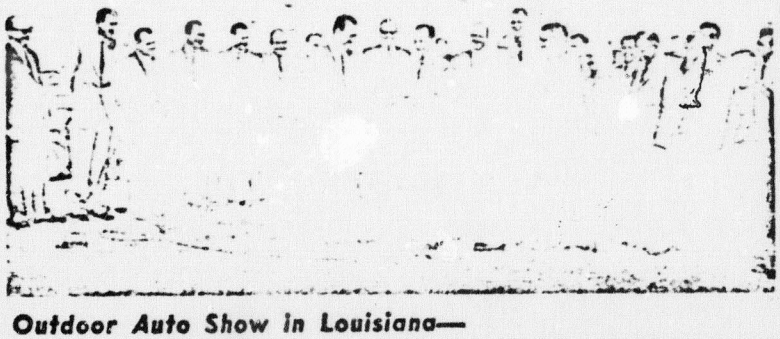

Outdoor Auto Show In Louisiana—

Mayor Jake Cameron, Bossier City, La., and Mayor Clyde Fant, Shreveport, La., join in ribbon-cutting ceremonies for the 1960 Spring Auto Show sponsored by the Shreveport-Bossier City New Car Dealers Assn. In the center is W. T. Hanna jr. (Ford), association president. Fourteen dealers took part in the outdoor show at the Freestate Park Shopping Center. The association said more than 100,000 persons visited the show.

5-23-60

In Plymouth Contest on Coast . . .

Quick Trouble Shooting

By William Carroll
West Coast Editor

LOS ANGELES.—Less than 40 minutes were needed for winning student mechanics to correct all the "bugs" in one of 79 test cars lined up for Plymouth's Trouble Shooting Contest at Los Angeles Trade Technical College.

Inglewood High School students Richard Marlin and George Blosser, working as a team, finished repairing their car first. They were followed by a second Inglewood team, Dan Horan and Hershel Keylon.

A total of 79 two-man teams vied against each other and the clock in the "Trouble Shooting" contest, which was sponsored by Los Angeles city and county schools, the Southern California Plymouth Dealers Assn. and Chrysler Corp.

Nearly 1,000 boys entered similar contests in 16 cities throughout the country this spring.

C. T. McClure, service director, Chrysler and Imperial Division, told AUTOMOTIVE NEWS, "The real purpose of this contest is to eliminate the shortage of good mechanics by getting schools interested in teaching basic auto mechanics.

"We want to arouse the interest of young men in the many career opportunities in the automotive service field."

The 79 two-man teams lined up five feet from their cars. Noise of the starting gun was still echoing from surrounding school buildings as fender covers were tossed over sheet metal and 316 hands began working on engines.

A stopwatch showed all 79 hoods were open within 10 seconds after the starting gun. All boys had their tools spread out for ready use. Some had built clip trays fitting over the radiator. Shop manuals, dwell meters, pressure gauges, "hot" coils and spare wiring were in evidence.

One boy, in the rush to repair a transmission wire, became stuck under a car, which had to be lifted so he could crawl out and return to work on the engine.

first car repaired, from Van

gines with two-throat carburetors and automatic transmissions. A Plymouth service crew, varying from six to 18 men, worked a full day putting malfunctions into the 79 cars.

There were 46 "Industrial Arts" teams which had been given one hour of automotive training daily. The 32 "Vocational Arts" teams have two hours of automotive training each day. "Junior College" teams on the remaining seven cars take an extended automotive service course.

Malfunctions placed on the cars by Plymouth mechanics included: Closing the idle speed, opening idle mixture needles, winding the choke spring backward, plugging fuel-line hoses, disconnecting the fuel line at the gas tank, disconnecting both transmission safety wires and hiding disconnected starter solenoid primary wires under the voltage regulator.

Other faults included putting an insulator between the starter cable and starter, installing a dummy wire on the ignition coil, opening

Costley Predicts Better Methods Of Distribution

(Continued from Page 3)

the American automobile owner speak out . . .

"It is sickening to see some of the things that are being done for the purpose of another sale. Now realizing that probably less than 10 percent of the dealers are involved in such distasteful practices, still they muddy the water for all of us."

Costley warned the Georgia dealers to expect an increase in aggressive promotions, which he said are not necessarily unethical. However, he said an ad cleanup would remove a "dark cloud" from over dealerships. He then asked these questions:

"If approximately one-half of the dealers decide to drift, which is normal, and 10 percent retire because of health or death, and 10 percent retire because of success, won't the other 30 percent find this an excellent climate for self-improvement?

"Won't the sick and rich and the make them sitting duck tar- the 30 percent aggressive, mined dealers who for what

93 More '60 Cabs Added In N. Y.; 39 Are Dodges

NEW YORK.—Dodge was the big leader as cab operators here added 93 new units to their fleets in a seven-day period, according to Taxi Weekly. Dodge accounted for 39 of the '60 models put into service, Studebaker, 18; Ford, 17; Checker, 16, and Plymouth, three.

However, Ford held a wide lead over Dodge in the total number of '60 models now in use—1,401 to 600. Checker had 433; Studebaker, 368; Chevrolet, 247, and Plymouth, 34.

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Reaching an estimated 150,000 readers engaged in all branch
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Lawsuits Affecting Dealers . . .

Court Decisions

By Leo T. Parker
Attorney at Law

ORDINARILY the purchaser of an automobile under a conditional-sale contract can recover only nominal damages from the seller or finance company which illegally repossessed the automobile. However, last month the higher court held a finance company liable in actual damages plus punitive damages to a purchaser whose automobile was repossessed on the basis of false information believed to be true by employes of the finance company.

L. T. Parker

For illustration, in General Motors Acceptance Corp. v. Froelich, 273 Fed. Rep. (2d) 92, the testimony showed facts, as follows: A man named Froelich purchased an automobile from an automobile dealer on the installment payment plan. The dealer sold the papers to General Motors Acceptance Corp.

After making several agreed monthly payments, Froelich left the automobile parked on a street. General Motors Acceptance Corp. was advised by a private detective that the car had been on the street for several days.

Also, employes of General Motors Acceptance Corp. were advised by telephone that the car had been picked up by the police "for narcotics" and was a "hot car." These employes, without attempting to verify the alleged narcotics violation or to reach Froelich, contacted the private detective, Dewey, and requested that he pick up the

dinance which required the installation of off-street parking facilities by an automobile dealer before he would be permitted to make use of his land as an automobile sales agency. This court said:

"We are in danger of forgetting that a strong public desire to improve the public condition is not enough to warrant achieving the desire by a shorter cut than the constitutional way of paying for the change."

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Law Held Arbitrary

LAST month, a higher court clearly held a state law void and unenforceable which requires dealers in new automobiles to conduct their business in substantial buildings, whereas dealers in used automobiles are not so required.

For illustration, in Clyde Killingsworth, as Superintendent of the Motor Vehicle Division, Arizona State Highway Department v. West Way Motors, 347 Pac. (2d) 1098, it was shown that a state law provides that the business of a dealer in new motor vehicles must be in a permanent enclosed building with sufficient space to display two or more motor vehicles of a kind and type which the dealer is licensed to sell.

West Way Motors had been engaged in the used-car business in a city for a substantial period of time. It made application to the Superintendent of the Motor Vehicle Division of the State for a license as a new-motor-vehicle

381 New Cabs Up Total Of '61s in N. Y. to 1,125

NEW YORK.—Cab operators here added 381 new-model taxis to their fleets in a seven-day period to bring the total of '61 vehicles on the streets to 1,125, according to the Taxi Weekly.

Ford was the big gainer with 245 units, bringing its total to 665. Seventy-eight Chevrolets were added, 25 Dodges, 23 Checkers, and five Studebakers and Plymouths.

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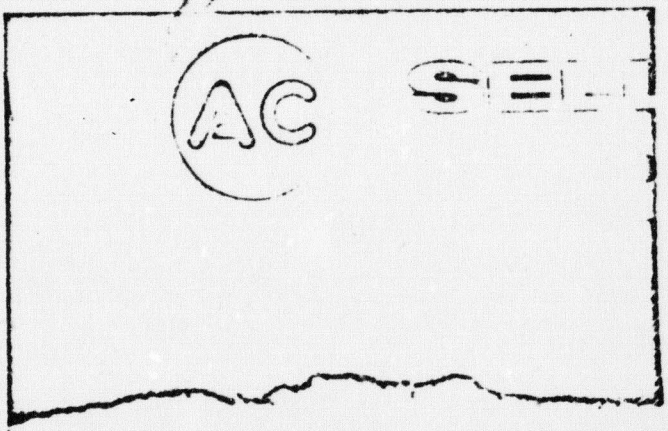

Brief

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cations for licenses since then because of what he has termed continuous illegal operation. He was not licensed as a dealer.

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Ford in First Place In New York Taxi Fleet

NEW YORK.—There were 4,227 Fords in New York's taxi fleet of 11,703 cars, as of July 5, according to *Taxi Weekly*. Checker was in second place with 3,151 units and Dodge was third with 2,125.

Registrations for other makes, as of July 3, were: Studebaker, 748; Chevrolet, 663; Plymouth, 639; DeSoto, 44; Valiant, 21; Pontiac, 19; Chrysler, 18; Rambler and Nash, 17; Mercedes-Benz, 10; Oldsmobile, 9; Mercury, 7; Buick and Austin, 2 each, and Lancer, one.

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Big Police Contract

JACKSON, Mich.—Bill Rhodes Ford, Inc., has been awarded a contract of approximately $194,000 to supply 97 cars for the Michigan State Police, Bill Rhodes, president, announced.

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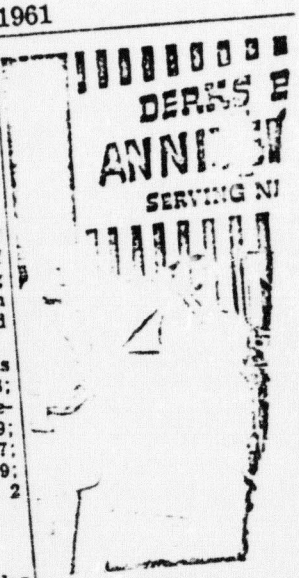
Dan Beck Moves

DETROIT.—Dan Beck announced



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Toyota Sees Sales Gain . . .

News on the Imported Cars

Toyota

TOYOTA MOTOR SALES CO.'s managing director for the Western Hemisphere, O. Nakae, has completed his inspection tour of Toyota's sales and service facilities in North and South America.

O. Nakae

Nakae said his visit was made necessary by the rapidly increasing acceptance of the Toyota Land Cruiser and the company's passenger lines.

Citing the United States as a typical example of the increased demand for Toyota vehicles in the world import car market, Nakae said that since the Toyota Land Cruiser's introduction here in 1959, its sales have doubled each year.

"Projected on the first quarter of this year," he said, "1962 sales in the United States will increase 100 percent over our record-breaking 1961 sales year.

"Toyota believes," he said, "that expert servicing of its quality product after sale is the foundation of our growing leadership in the American import car market.

"We have recently installed the latest IBM coding equipment to speed up parts shipments to our worldwide network of dealers and distributors in 14 countries. And we are proud of Toyota's reputation of maintaining the largest parts-per-car inventory in the United States of any imported vehicle."

• • •

HOLLYWOOD TOYOTA MOTORS became the first auto dealer to sponsor a team in the Central Valley Little League in California's booming San Fernando Valley when it assumed sponsorship of the Toyota Cubs, the league's defending champions.

Sud Yakura, president of Hollywood Toyota and former big league baseman for Los Angeles [illegible] All Stars semi-pro team, threw out the first ball to launch the Central Valley Little League's 1962 season.

Yakura made a Toyota Land Cruiser available to the league for use in maintaining the Little League ball park.

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Rootes

IMPORTED-CAR dealers with solid gold aftersales operations figure this is their year to go to town," Arthur Rowbottom, Rootes Motors Eastern sales manager, reported after meetings with Rootes dealers in nine states.

Rowbottom said dealers feel that while overall import sales will coast along at last year's levels, the well financed and organized franchise is going to wind up with a bigger share of the sales pie.

Rowbottom, Parts Manager John Mackie and Service Manager Kenneth Langridge met with Rootes dealers from the New York, Philadelphia, Washington, Detroit, Cleveland, Charlotte (N. C.), Jacksonville and Miami areas. Similar meetings will be held in these and other areas on a quarterly basis.

"These meetings," Rowbottom said, "are part of a round-the-clock campaign Rootes is starting to beef up our really productive dealerships and we are going to go allout to support them in every department."

• • •

Mercedes-Benz

MERCEDES-BENZ automobiles were manufactured in the United States in the early days of this century, and the story of the 1906 model is told in a booklet issued by Mercedes-Benz Sales, Inc., South Bend, present U. S. distributor of the car.

Titled The American Mercedes, the brochure is a copy of one turned out by Daimler Mfg. Co., Long Island, N. Y. It notes that "the American Mercedes for 1906 will be an exact reproduction of the 45-horsepower foreign Mercedes."

The New York firm was closely affiliated with the German company. It operated under American patents and shop rights, was licensed to reproduce Mercedes cars in the U. S. and paid a royalty on every car built.

The standard color of the 1906 American Mercedes was red but the booklet explains that "special color schemes to suit the purchaser will be carried out if desired." The price was $7,500, which was said to be $3,000 less than the foreign Mercedes in New York.

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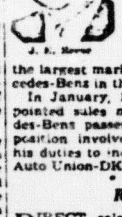
THE appointment of J. E. Reese as general sales manager for Mercedes-Benz Sales, Inc., has been announced by J. Bruce McWilliams, sales vice-president.



J. E. Reese

Reese, a former auto dealer, joined M-B Sales in 1958 and later served as New York zone sales manager. The company says he was largely responsible for developing the Eastern zone into the largest market for sales of Mercedes-Benz in the United States.

In January, 1962, Reese was appointed sales manager for Mercedes-Benz passenger cars. His new position involves the extension of his duties to include the company's Auto Union-DKW sales program.

• • •

Rover

DIRECT sales by dealers manning the display of England's Rover cars at the New York International Automobile Show are "far and away ahead of last year," according to H. Gordon Munro, president of Rover Motor Co. of North America, Ltd.

"Orders for overseas delivery are up almost 50 percent, and orders written at the display are almost double those at the 1961 show for both Rover luxury sedans and for Land-Rover four-wheel-drive vehicles," he announced.

• • •

Lucas Electrical

WILLIAM G. OWEN, vice-president, Lucas Electrical Services, Inc., New York, has announced the reassignment of Derek Whitaker to Argentina where he will open Lucas Sales and Service Co. Whitaker had been manager of Eastern parts depot, Englewood, N. J.

Michael Morrall, formerly manager of Lucas' Houston branch, has been appointed head of Englewood operations. Robin Biggins, Englewood, has been named his successor.

A. A. Brooks, who formerly served as Lucas CAV service manager in the United States, has been recalled to London in a new capacity with the CAV service headquarters. Tom Stringer has been appointed diesel service manager for the U. S.

J. V. Bough will become electrical service manager and George Lewis has been appointed special technical representative for the U. S., a new post.

Lucas produces original equipment for the majority of British cars.

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Renault

SALES of Renault automobiles in the Midwest rose approximately 10 percent in the first three months of 1962, compared with the same 1961 period, Donald A. Dare, regional manager, announced.

"We have predicted that Renault sales in nine Midwestern states, the distribution area of Renault Great Lakes, Inc., will increase 20 percent over the annual sales of 1961," he said.

Renault dealers are participating in the largest sales promotion program in company history, Dare said.

"The program will strengthen our sales position," he predicted. "It consists of a dealer incentive contest, a sales promotion kit of materials for use by dealers, and special demonstrator cars. The result of this program will be to stimulate sales during spring and summer."

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Peugeot

ACCORDING to Francois Dauschner, vice-president of Peugeot, Inc., the Peugeot 404 and 403 sedans at the sixth annual International Automobile Show at New York's Coliseum attracted more viewers than any previous Peugeot showing since the company entered the American market in 1958.

During the nine-day show, approximately 1,160 prospective car buyers signed Peugeot registration cards that indicated their desire to be contacted by one of the company's 422 United States dealers for a demonstration ride.

The company estimated that coliseum visitors had picked up more than 63,500 pieces of literature on the two models.

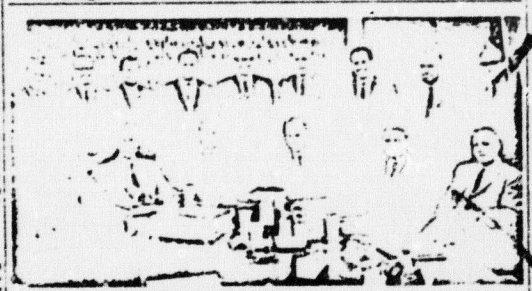
• • •

Volvo

LARS SAMUELSON has been appointed to the newly created post of national parts manager by Volvo Import, Inc. In addition, Samuelson has also been named parts manager of Volvo Distributing, Inc., Eastern distributor.

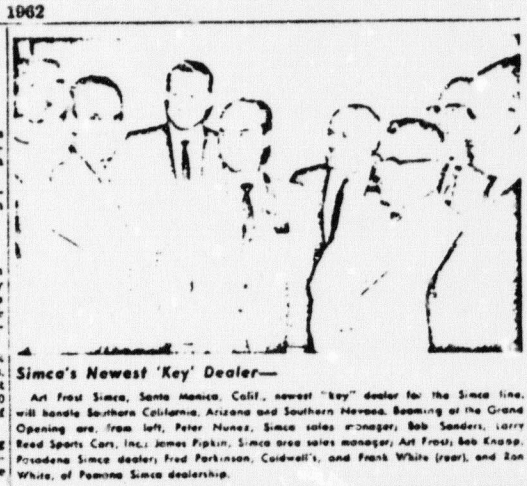
Lars Samuelson

Hans Larsson, president of Volvo Import, said the firm is reorganizing its parts warehousing and distribution system to assure continued availability of replacement parts for its expanded line of models.



White's Dealer Council Meets—

A two-day meeting of the National Dealer Council of White Division in Cleveland found members discussing truck sales, service, financing, engineering and the model line with White executives. Standing, from left, are F. E. Hunt jr., Hunt Truck Sales & Serv., Inc., Tampa, Fla.; S. C. Brown, Wichita White Truck Sales, Inc., Wichita; H. C. Freeman, Gordon State White Co., Cameron, N. C.; J. P. Dermody, Dermody White Truck Co., Inc., Grand Rapids, Mich.; E. H. Clarke, Clarke-Wood White Truck Sales, Inc., Albuquerque; W. L. Peterson, sales manager of White Division; P. LiVigni, Semo-Westchester White Trucks, Inc., Bronx, N. Y.; E. H. Hartman, Hartman White, Inc., Nashville, and E. H. Esters, White Autocar Sales, Inc., Green Bay, Wis. Seated, from left, are D. Bartholomew, Waterbury Truck Service, Inc., Waterbury, Conn.; H. D. Weller, marketing vice president of White Division; P. E. Tobin, wholesale operations vice president of White Division; H. J. Nave, executive vice-president in charge of White Division; H. H. Graham, El Paso White Truck Co., El Paso, Tex., and J. E. Lind, Northern White Truck Sales, Ltd., Edmonton, Alta.



Simca's Newest 'Key' Dealer—

Art Frost Simca, Santa Monica, Calif., newest "key" dealer for the Simca line, will handle Southern California, Arizona and Southern Nevada. Beaming at the Grand Opening are, from left, Peter Nunez, Simca sales manager; Bob Sanders, Larry Reed Sports Cars, Inc.; James Pipkin, Simca area sales manager; Art Frost; Bob Knapp, Pasadena Simca dealer; Fred Parkinson, Caldwell's, and Frank White (rear), and Ron White, of Pomona Simca dealership.

Capsule Reports . . .

Auto News in Brief

TOLEDO.—Industrias Kaiser Argentina, an affiliate of Willys Motors, Inc., celebrated its sixth anniversary producing its 150,000th vehicle, a 1962 Rambler Classic station wagon, according to James F. McCloud, IKA president.

In addition to six Jeep models, the Renault Dauphine and the line of Rambler cars, IKA manufactures an airplane. The company also has established the first automobile financing organization in South America.

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Driving-Skill Test Sponsored By Mobil at Seattle Fair

SEATTLE.—Visitors to the Seattle's World Fair will have a chance to test their driving skills in a simulated cross-country Economy Run that will bring them face-to-face with on-the-road hazards to test their knowledge of safe and economical driving methods.

This test is presented by Mobil Oil Co. as part of its program encouraging better driving habits. The Mobil exhibit is located in the Commerce Pavilion at the foot of the Space Needle.

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Top Dodge Sales Award Goes to Western Area

DETROIT.—For the second consecutive year the Western area, Dodge Division, has received the General Sales Manager Award as top area in the United States, according to John B. Naughton, Dodge sales manager.

J. F. Hansen, Western area manager, accepted the award. His territory includes the Los Angeles, San Francisco and Portland regions and covers nine Western states. Some 18 regions in the four areas compete each year for the title.

• • •

1962 Cabs in New York Listed by Nameplates

NEW YORK.—A breakdown of 1962 model cabs in operation as of April 23 in New York City, published by *Taxi Weekly*, showed that Ford led all other makes with 1,191 of the 3,402 total.

Other 1962 cabs by make were: Checker, 813; Chevrolet, 537; Studebaker, 493; Dodge, 357; Plymouth, 6; Rambler, 2; Pontiac, 2, and Mercury, one.

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Ford Vinyls Will Cover Chair, Office Furniture

DEARBORN.—A luxury chair and a line of office furniture will be covered with new vinyl coverings manufactured by Ford Motor Co.

Charles M. Scholz, general sales manager for Vinyl Products of Ford Motor Co., said that Thayer Coggin, Inc., will use Ford's Woodcut vinyl covering on an office furniture line designed by Milo Baughman. Marrakech, another new Ford vinyl covering resembling Scotch leather, will be used on a contemporary chair designed by Moselle Meals and manufactured by Taylor Chair Co., Bedford, O.

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Willys Gets Military Pacts Totalling $31 Million

TOLEDO.—Willys Motors, Inc., has been awarded a $3,727,128 contract by the Army Ordnance District in Cleveland for production of 9,075 M151 quarter-ton four-wheel-drive trucks, known as Mutt vehicles.

Willys also announced it has received a $2,944,178 contract for 1,105 Jeep vehicles, designated M38A1, a quarter-ton, four-wheel-drive truck. The Ordnance district also ordered 72 additional M170 military ambulances worth approximately $265,250, raising to 1,528 the number ordered since last June.

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Buffalo Dealers Warned On Used-Car Stickers

BUFFALO.—The Buffalo Automobile Dealers Assn. has alerted members to the necessity for inspecting used cars.

If a car is "young" enough so that it carried no inspection sticker when received by the dealer, the dealer is required to inspect it before resale. If the dealer takes a car in trade which bears a valid inspection sticker, he is not required to inspect it again before resale. However, even if it bears a valid inspection sticker, the dealer still must sign an MV-50 every time he sells a car to be used by the purchaser on the highway.

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B. C. Will Not Construct Testing Station Network

VANCOUVER, B. C.—Establishment of motor testing stations will not be undertaken throughout British Columbia by the provincial government. The matter has been under study for some time in view of the success of the station operated for years by the City of Vancouver.

The attorney general told the legislature that it was possible such testing stations could be made self supporting, but he said it would require considerable capital to establish and equip them.

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Chrysler Defense Division Adds Detroit-Area Plant

DETROIT.—Chrysler Corp.'s Defense Operations Division has leased a building at 19175 E. Eight Mile Warren, Mich., for its airport mobile-lounge and mobile boating assault bridge-ferry manufacturing operations.

The 56,000-square-foot building will be known as the Chrysler Warren Defense Plant, according to C. W. Snider, division general manager. The division will build 29 mobile lounge vehicles for use at the new Dulles International Airport near Washington.

Distributor, Importer Write Standards . . .

VW Quality Dealer Program Set

NEW YORK—A detailed set of merchandising standards for Volkswagen dealers was presented at the ninth annual business meeting here of World-Wide Automobiles Corp., VW distributor for New York, New Jersey and Connecticut.

The "quality dealer" program established minimum standards for management and financial practices, sales levels for new and used cars, facilities, service operations and parts departments.

The standards were devised by World-Wide and Volkswagen of

R. W. Josenhans

Arthur Stanton

America. They generally call for active participation by the dealer in administrative affairs.

Arthur Stanton, president of World-Wide, told the 82 VW dealers attending the meeting that the Volkswagen organization, like any other, could falter if its members became complacent in their responsibilities to the customer.

"Our future depends on our keeping faith with the consumer," he said, "and keeping ourselves so up-to-date in our business that we are able to detect and arrest variations from our theme of service."

Stanton warned that the dealer's job in managing his business is a full-time one and he cautioned:

"The Volkswagen 'money machine' is not one of perpetual motion. It requires the same care and feeding as any other business."

R. W. Josenhans, general sales and marketing manager of World-Wide, said the standards are designed to encourage dealers to evaluate their past performance records to see whether or not their sense of values had become diluted.

He said the standards were designed as "preventive medicine" and would enable dealers to keep their firms functioning at a high level.

"This program should not be confused with the type of programs in the domestic field that are geared to improve sales slumps or help dealers get out of the red and into the black," he said.

"Our program is geared merely to maintain what we have and I promise you that the consumer will not stay with us unless you continue to win his respect, which will take a supreme effort on your part."

The World-Wide quality dealer program is embodied in a detailed checklist booklet entitled "Volkswagen Merchandising Standards." In order for the dealer to acquire the quality dealer designation, his operation must come up to the standards, with very few exceptions allowed.

The checklist for standards is broken down into six worksheets, each covering a specific field. The first worksheet, for example, deals with management and finance.

This is divided into six categories: Sales leadership, salesmen and personnel, customer relations, capitalization, profits and facility.

There are a number of questions in each category. After each question is the required answer—"yes" in most cases, but where a deviation is permissible, a yes/no."

The second worksheet is devoted to car, station-wagon and truck sales. This is divided into car penetration, station-wagon penetration, truck penetration, supplies and demonstrators and advertising and promotion.

An interesting aspect here is that in order to qualify as a quality dealer, the firm's station-wagon and truck penetration must be "adequate," although it is not required that car penetration be adequate. This is the only negative allowed on that worksheet.

The third worksheet is on used-car sales and is divided into sales results, inventory, retail reconditioning and appearance and lot condition, size and location.

The fourth worksheet deals with service facilities and is broken down into property, building and stationary equipment. Requirements as to service building are lengthy and quite detailed.

The fifth worksheet deals with the service operation. Requirements are divided into personnel, equipment, tools and literature, organization and quality service.

The last worksheet is devoted to parts and is divided into five categories: Inventory and storage facilities, inventory control and literature, ordering, personnel and layout and presentation.

Other speakers at the meeting, in addition to Stanton and Josenhans, included Rendel Smith, VW of America sales organization manager; Joseph E. Anzelon, general service and parts manager for World-Wide; Arthur S. Klein, World-Wide ad-manager, and Edward McNeilly, vice-president of Doyle Dane Bernbach, VW ad agency.

'Can't Be Outlawed' . . .

Grob Supports Racing

NEW YORK — The head of an imported-auto firm last week jumped into a controversy that has been swirling about the domestic industry.

Performance competition, said Vincent Grob, president of Renault Inc., "can help improve cars while aiding the public in evaluating individual products."

Grob spoke from a presumably unbiased viewpoint, since Renault is normally considered unsuited to stock-car racing. In its pioneer days, however, Renault won its share of races, rallies and endurance runs.

Speaking of the present situation, Grob said:

"We at Renault do not believe auto racing ever can—or should—be abolished by legislation, nor do we believe it can be outlawed effectively by industrial agreement—even to the extent of eliminating manufacturer participation.

". . . Certainly speed and durability are important measurements of 'performance'. . . rallies can provide evidence of handling . . . endurance runs can show quality . . .

"In short, the public's acceptance of an automobile can be influenced by its competition performance record. Quite obviously, this is a major reason why automobile manufacturers, and parts and accessory makers, are involved in automobile racing."

Dodge Leads Increase In N. Y. Cab Purchases

NEW YORK—Taxicab purchases in New York City during 1963 are running ahead of 1962's pace, with Dodge scoring the biggest sales gain, according to figures compiled by Taxi Weekly. By Feb. 11, a total of 2,616 vehicles had been purchased for cabs, compared with 2,323 in the similar period of 1962.

Dodge cab sales totalled 792, compared with 194 the previous year. Ford continued to lead with 942 sales. Dodge moved from fifth place to second, ousting Checker, which recorded 484 sales. Other cab sales were Chevrolet, 373; Studebaker, 101; Plymouth, 14, and Rambler, Pontiac, Chrysler and Mercury, one each.

1962 Auto Boom Hikes Zinc Use To Best Since '55

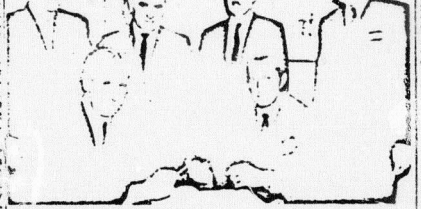
NEW YORK — Consumption of slab zinc in the United States in 1962 rose to 1,710,000 short tons—the second highest year on record—due in large part to the boom in auto production.

The American Zinc Institute based its figures on U. S. Bureau of Mines reports for the first 10 months of 1962, plus industry estimates for November and December. The highest consumption was reported in 1955—biggest auto year of all time.

For only the third year on record, more zinc was consumed for die casting than for galvanizing, repeating the pattern of 1957 and 1959. AZI reported an estimated 400,000 tons of zinc were consumed in 1962 for die casting, compared with 3[illegible]000 tons for galvanizing.

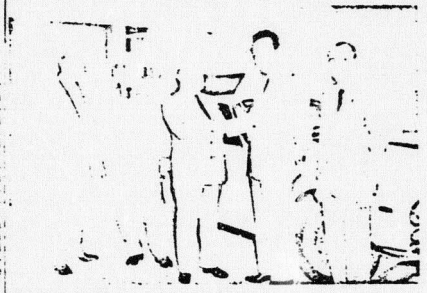
AZI said the consumption increase in zinc for die castings was primarily due to auto production. It also reported that the 1963 models, both standard and compact, carry greater quantities of zinc die castings than in previous years.

Shipments of galvanized steel sheet to the auto industry for the first 10 months of 1962 totalled 343,-888 tons, compared with 311,971 tons for all of 1961. AZI said its survey of 1963 standards and compacts showed consistent increases in use of galvanized steel sheet over 1961 counterparts.



AMC Officials Tour Australia—

Roy D. Chapin jr., seated, right, executive vice-president, American Motors Corp., led a team of the company's export officials on a tour of the Far East. The group visited Australian facilities and distributors in Australia, Japan, Hong Kong, the Philippines and New Zealand. Here they are in the offices of Australian Motor Industries, Melbourne, which assembles and distributes Ramblers in Australia. Also seated is Stanley Byrne, AMI board chairman. Standing, from left, Joseph A. Vicens, senior partner in AMC's law firm; William S. Pickett, AMC automotive export director; Kenneth Maughan, AMI managing director, and Albert Dalkerly, AMC Far Eastern sales director.



Maserati Team Greets New Distributor—

Count Omer Orsi, second from right, head of Maserati, congratulates M. E. Hoffman, president of Hoffman Motors Corp., Beverly Hills, Calif., chosen as Maserati distributor west of the Mississippi. Others in the picture are, from left, Herman Kohler, Hoffman general manager in Beverly Hills; Franco Cornacchia, Count Orsi's adviser and former race driver who is now a dealer in Milan and Rome, and Ettore Giovanardi, general manager of Cornacchia's operations.

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Maserati Names Hoffman Western U. S. Distributor

LOS ANGELES—Hoffman Motors Corp., Beverly Hills, has been named distributor, west of the Mississippi, for Maserati cars.

M. E. Hoffman, president, said, "Our first shipment of spare parts, worth about $30,000, is on the way. We're going to start slowly and build a select dealer body to handle this unusual car."

Count Omer Orsi, head of Maserati operations in Italy, said, "We are very pleased about Hoffman's taking over distribution, because we feel that his organization will represent our product in an excellent manner and give full assistance to owners of our cars."

Orsi said his company's limited production of about 1,000 cars a year is barely adequate to fill current orders.

Asked why he was only now entering the U. S. market in strength, Orsi replied:

"Up to now we have not seriously considered the U. S. because of its vastness and because we could not find a man like Hoffman to handle the cars.

"We expect to make no changes or offer new models for some time to come. Our cars are hand built, but we will do everything possible to meet Hoffman's demands for additional cars as sales increase."

Hoffman will handle six models: Two coupes and a convertible, with either a carburetor (220 horsepower) or fuel injection (235 horsepower) six-cylinder engine. Base price is $11,657, with safety and performance options available.

About 10 cars a year were sold in California in 1961 and 1962.

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Volkswagen

CHAMPION SPARK PLUG CO. has been named a supplier for Volkswagen. Champion will ship plugs from Toledo for installation in cars made at Volkswagen's Wolfsburg (Germany) factory.

Volkswagens entering Canada from Germany are being equipped with plugs made at Champion's Windsor (Ont.) plant. Volkswagens assembled in Brazil are equipped with plugs made at Champion's factory in Sao Paulo, Brazil.

R. A. Stranahan jr., Champion president, said, "We are, of course, pleased with this new arrangement. In addition to the implied mutual benefits, it provides a healthy economic exchange at a time when foreign trade is of mounting importance."

Champion supplies sparkplugs to many foreign auto manufacturers. In this country it supplies three of the five auto makers and 24 truck and bus manufacturers.

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Jaguar

JAGUAR CARS, INC., has announced plans to list car prices at one flat price, rather than a base price for the car and separate prices for each optional accessory on the unit.

The company considers the plan "realistic and unequivocal pricing of automobiles." In effect, the move does away with optional equipment.

Under the plan, the XK-E roadster lists for $5,325 and the XK-E coupe lists for $5,525.

Jaguar said the prices include "all the things . . . a consumer has a right to expect in a 'whole automobile'."

The Jaguar list of the things the consumer has a right to expect ranges from roll-up windows and trunk lid to knock-off wire wheels and four-wheel disk brakes with power assist, quick-change pads, self-adjusting features on both foot and hand brake and warning light for fluid level and hand brake.

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Volvo

JANUARY sales of Volvo cars totalled 1,109 units, up 16 percent from the 976 units sold in the like month of 1962, Volvo Import, Inc., reported.

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Triumph

SALES of Triumph cars in the October-January period totalled 3,111 units, a gain of 30 percent from the 3,952 units sold in the like period a year earlier, Standard-Triumph Motor Co. reported.

Meanwhile, the company said that it is entering a team of three Triumph TR-4 sports cars in the 12-hour Grand Prix Endurance Race at Sebring, Fla., on March 23. The factory last entered cars in the event in 1960.

Sales of Triumph's recently introduced Spitfire sports car may exceed earlier estimates of 10,000 this year, according to Martin J. Tustin, president of Standard-Triumph Motor Co.

He said that by the end of the East Coast dock strike, firm advance orders totalled 3,500, which was 10 to 15 percent higher than had been anticipated.

De Gaulle Galled, Hurls Barbs at Simca Official

PARIS.—President Charles de Gaulle, who is intent upon France having its own atomic force, apparently is equally keen about the independence of his country's auto industry.

He reportedly expressed displeasure at Chrysler Corp.'s recent purchase of a majority interest in Simca. *France Soir*, a Paris newspaper, said de Gaulle told A. M. Pigozzi, Simca managing director:

"What you have just done, you are in no danger of doing again.

"So there is no point in asking you to advise me on the next occasion."

OUT AND ABOUT in the U.S.A.

With TAXI-WEEKLY, New York

LONDON IS CHEAPER

The £2 fixed penalty and the £2 for having your cab towed away by the police seems quite expensive to some. However, consider the cost to your counterpart in New York. There, the towing charge has been raised from $10 to $25. Parking tickets have soared from $15 to $35, and one day's storage fee has climbed from $1 to $5. The total charge for a ticket, towing away and one day's storage now is $65 compared with the old price of $26.

KIDS (New York style)

Picture it. Three teen-age girls waiting for some time for an empty cab. One was carrying a bag full of dirty laundry. She stuffed it under her coat. Within minutes, three cabs screeched to a halt and offered to take the girl and her companions to their destinations.

RECORD CARD CONVICTS BILKER

From Atlanta comes the story of a young taxi-driver who picked up a fare that had drunk well. Near his destination, the fare asked what he owed and reached into his pocket, but he did not pay. A block later, when the cab stopped, the passenger claimed that he had paid the driver.

At court, the passenger claimed that he had been picked up in front of a hotel. Knowing from past experience what the fare would be he had paid the driver in advance. The driver had taken him past his home and a dispute arose over the extra mileage.

The taxi driver said that he picked up the passenger at another place. There was quite a difference in distance. This gave the judge the old problem of conflicting evidence and doubt as to whowas telling the truth. The driver helped him to decide. He had with him his trip card, as required by the Atlanta Police, showing that he had stopped at the point claimed by him, and he had no reason to falsify the record when he made it out.

The bilker was convicted and fined.

(Editor's note: This report supports the value of the journey record which, for some time now, we have been recommending readers to adopt.).

SPOTLIGHT ON THE TAXI INDUSTRY

Mayor John V. Lindsay of New York has set up a committee to probe the City's taxi-cab industry. It already has had several meetings and has a tentative target date of 1st May by which to prepare a report and recommendations for the mayor. Some of the problems being examined are rate of fare: cabs and pirates: regulation by the Hack Bureau or some other agency: availability of cabs and cost of licences: protection of cab drivers and safety of passengers: comfort, size and design of cabs: insurance and fleet corporate structure.

MORE LAWS TO HELP TAXI-DRIVERS?

Taxi-drivers in New York do seem to have some persistent friends in high places. Senator W. C. Thompson wants legislation that he claims would be fair to licensed cabmen and pirates alike. Councilman Sam Curtis also has come back with another bill that would stiffen penalties against the pirates, although the penalties would not be so severe as those which would have resulted from the now-dead Corso-Curtis Bill. This new Curtis's bill was first introduced into the Council a few years ago but was withdrawn when the lengthier Corso-Curtis Bill was introduced. Both Curtis' Bills prohibit the use of window lights by non-licensed cabs but the present Bill does not limit the use of meters to licensed cabs.

NEWS AND VIEWS FROM NEW YORK

WHEN DISTRUST PAYS OFF!

Mrs. Leatrice Soloway writes regularly in *Taxiweekly, New York*. Naturally, most of her contributions are directed to her American readers. However, one of her recent articles is of universal interest and part of it is quoted below.

On no account do I make any claim to being an excellent driver, but I attribute my good driving record (and I say this with crossed fingers) to the fact that, although I respect my fellow-man, when he and I are behind our respective wheels, I do NOT give him the benefit of the doubt; I do NOT give him credit that he will do the right thing. I feel that I must ALWAYS be on my guard for fear that he will invariably do the wrong thing. The one time that I did let down my guard and did give credit to the driver ahead of me almost caused an accident. Because I do not tailgate (drive too close to the vehicle ahead) an accident was avoided.

CHINESE PUZZLE

An owner-driver, an ex-boxer, was waiting at a traffic light. He was on his way to eat and was showing his "off-duty" sign. A well-groomed gent approached, yelled, knocked on the window, and finally in anger started to rock the cab. The driver, with the battered nose and all the trademarks of his earlier profession, got out of his cab and looked at the "off-duty" sign on the roof. "You know", he said to the gent, "I paid $40 for that damn roof light, but they must have put the letters on in Chinese. Nobody can read it"'

GETTING NOWHERE SLOWLY

New York taxi-driver Bernie Korman was facing west on 42nd Street. He picked up a fare who wanted the East Side Air Terminal. But the driver had to continue westward until he came to a permissible right turn, around the block, along a few more streets and back on to 42nd Street. Eventually, after fifteen minutes' travelling, he passed the spot where he picked up his passenger. The passenger was annoyed. In fifteen minutes he was no nearer his destination and it had cost him $1.15. Of course, the taxi-driver could have told the passenger that he would save time and money by taking a cab across the street. But if an inspector had seen him do that he could have received a summons for refusing a fare.

NOW A 'DRIVOMETER'

A professor at the University of Michigan has developed a device for testing drivers which, he feels, will go a long way in providing a scientific basis for such tests. The 'drivometer' can be mounted in the glove compartment of a car used for testing and will electronically measure the driver's responses. The professor says that drivers should be rated on performance because 'the most important variable in traffic is the driver himself'.

ANNUAL CAR INSPECTIONS—USA

Governor Nelson Rockefeller recently signed a law, effective 1st October, requiring all cars, including taxi-cabs, to undergo annual safety inspections. The inspection is required before the vehicle can be issued a state licence.

In a memo attached to the law, the Governor declared that it was a fallacy to assume that new cars were safe merely because they were new. Recent checks indicated that new cars without inspections had more defects than older vehicles that had been inspected. Experience in New Jersey had been [illegible]at one out of three new vehicles did not meet inspection standards.

Taxiweekly, New York

the Sahara and at least one has crossed the desert. Another was used in the Monte Carlo Rally of 1961 by Peter Dimmock, BBC tv sports personality.

* * *

Another Fight for Increase on Taxi Fares?: Legislation against Pirates

With the introduction of a new city income tax at the beginning of this month, New Yorkers are finding that prices are again on the increase and it is likely that among these will be the price for their taxi journeys in and around the city, for the fleet owners' representatives have applied for a five per cent (4d.) hoist in the tarriff, and the authorities have promised to consider the New York cab trade's statistics to support the claim.

The last rise in taxi fares in New York came into effect in December 1964, twenty-two months ago, when the initial hiring fee was increased 10 cents.

That rise had been first applied for as long ago as 1961 but it took more than three years before the "hacks" were given authority to charge more, in spite of a campaign which became increasingly bitter with the long delay and the valuable support of many influential newspapers, radio commentators, business houses and other interested bodies.

The latest application is necessary, claims the trade, due to the continuing spiral in operating costs, including pay rises which were given drivers after a strike earlier this year.

While on the subject of taxicab operation in New York, it was interesting to us to observe in the latest copy of the cabmen's newspaper, *Taxi Weekly*, the law pertaining there for the control of what we call "pirates" but what they call "gypsies".

In view of the great difficulty our own taxi industry has in nailing down these unscrupulous interlopers and the negative way in which our own laws are laid down and so difficult to interpret, we reprint their rules in the belief that with negotiations going on here to ban the words "cab" and "taxi" on unlicensed vehicles we might be able to possibly take a leaf out of the American notebook:

"(a) Any person, who shall permit another to operate or who shall knowingly operate or offer to operate for hire any vehicle as a taxicab, coach, horse-drawn cab or sightseeing bus in the city of New York, without first having obtained an appropriate license therefor, shall be guilty of a violation hereof, and upon conviction before any city magistrate, shall be punished by a fine not exceeding one hundred dollars or imprisonment not exceeding thirty days, or both such fine and imprisonment.

"(b) No person shall operate or permit to be operated any vehicle bearing the words 'hack', 'taxi', 'taxicab', or other designation of similar import unless licensed as a taxicab or coach under this section nor shall any person advertise or hold himself out as doing business as a taxi, taxicab or hack service unless so licensed. The term 'limousine', 'private livery', 'private rental' and 'rental service' shall not be deemed a designation of similar import and an unlicensed vehicle may be advertised in a directory circulated for the city of New York under the designation 'cab, private, unmetered', or 'taxi, private, unmetered'.

"(c) No person shall operate or permit to be operated any vehicle, engaged in transporting people for hire, which is equipped with an outside roof light or lights or similar roof device, unless such vehicle is licensed as a taxicab or coach under this section.

"(d) Any person, not having been duly licensed as a driver, or any person whose driver's license has been revoked or suspended and who, during the time of such revocation or suspension, drives or operates for hire a taxicab, coach, horse-drawn cab or sight-seeing bus, in the city of New York, shall be guilty of a violation hereof, and upon conviction before a city magistrate, shall be punished by a fine not exceeding one hundred dollars or imprisonment for a term not exceeding thirty days, or both.

"(f) The punishment for a violation hereof, for which no penalty has been specifically provided, shall be a fine not to exceed one hundred dollars or imprisonment for a term not exceeding thirty days, or both."

* * *

Naked Cab-driver Charged Extra: Embarrassed Lady Charged More than the Legal

Rio police arrested taxi-driver Celso Viegas de Brito, aged 25, for sitting at the wheel of his taxicab —in the nude.

The action of the police came after a complaint had been made to them by Senhora Maria Silva de Almeida, who said that she engaged a cab, which had been plying for hire in the Ipanema Beach district, and that before setting off for the destination required the taximan performed a striptease in her presence.

The Senhora was even further disgusted when, after her strong protests, the taxi-driver, instead of driving straight to where the Senhora wished to go, made a circuitous route before putting his fare down at the bus station.

He then had the audacity to charge the lady—double fare!

Crayford Garage

89 Crayford Road

(5 mins. The Brecknock)

Holloway N.7. Tel: NOR 2244

SPARES — OVERHAULS

CRASHWORK

RUNNING REPAIRS

ALL AT REASONABLE PRICES

UNPASSED CABS BOUGHT—FOR CASH

FOR SALE: PASSED FX4's—

COMPLETELY OVERHAULED

LONG DAY DRIVERS WANTED

Plaintiff's Exhibit 23

A & A Maint.
A & R Oper.
Andrea Maint.
Ann Oper.
Bebe Oper.
Butler Maint.
Cab Mange.
Cab Oper.
Cab Transp
Cadet Maint.
Capitol Cab
Cardinal Cab
Celbert Garage
Chad Oper.
Chase Maint.
Checker Garage
Circle Cab
Circle Main.
Classey Cab
Clinton Taxi
Continental Cab
Cordi Garage
Cornell Maint.
Coronet Oper
Cromwell Maint
Cross County
Dover Garage
Dymamic Oper
Eden Maint.
En Oper.
Essex Maint.
Fare Oper.
55th St. Taxi
Flex Oper.
Forest Maint
Frenat Serv.
Garr Serv.
Haso Maint.
Helen Maint.
Hermal Maint.
Ilex Serv.
I O T A
Jackson Maint.
Jaw
Jaycee Garage
Jaylen Oper.
Jayson Oper.
Joad Mange.
Jofan Maint.
Kroy Taxi
Lauran Serv.
Lemar Cab
Level Tasnsp
Lite Maint.
Londal Oper.
M & S Maint.
Main Oper.
Man Maint.
Marby
Margol Oper.
Metro
Mobile Transit
N C A Oper.
New Yorker Fleet
Phonex Taxi
Progress Serv.
Ramp Maint.
Rego Maint.
Rodney Maint.
Rosen Cab
S J Z Cab
Sonmar Taxi
Star Maint.
Super Oper.
Tedfree Oper.
Tedmar Serv.
Transp. Maint.
William Oper.
Willow Maint.
Yale Serv.
Zebra Serv.
Zone Oper.

November 1964

Date		Mtg Cash	Accounts Receivable	Capital Stock	Deposits
Nov 23	George T. McIntyre	260000		2,600.00	
23	Jackson Maid	25000	(Advance) (250.00)		
23	Ann Operating	4000	40.00		
23	Chase Manhattan Bank	390	3.90		229390
30	Eg Operating	1000	10.00		
30	Pepe Maintenance	1000	10.00		
30	Derrick Service	1000	10.00		
30	Joyce	1000	10.00		
30	A&R Operating	3500	35.00		
30	Sal Operating	1000	10.00		
30	57th St. Mgmt.	2000	20.00		
30	6th St. Mgmt.	1500	15.00		
30	Yankee Service	1000	10.00		13000
		302390 /	42340 /2	2,600.00 /1	✓
		1	1	1	1

1451A

Plaintiff's Exhibit 30

MINUTES OF MEETING OF MEMBERS

of

METROPOLITAN TAXICAB BOARD OF TRADE, INC.

Minutes of meeting of members of Metropolitan Taxicab Board of Trade, Inc. held at 1775 Broadway, on April 6, 1964 at 10:00 A. M.

A quorum of the members were personally present.

Mr. Isidore Suchman called the meeting to order and acted as Chairman and Mr. Philip Rosenblum acted as Secretary of the meeting.

The Secretary presented a Notice of Meeting dated March 18, 1964, which was sent to all members, and upon motion duly made, seconded and unanimously carried, it was ordered that the same be annexed to the record of the minutes of the meeting.

The minutes of the preceding meeting of the Corporation were read and upon motion duly made, seconded and unanimously carried, the minutes were approved as read.

The Chairman requested nominations to serve as members of the Board of Directors for the next year and until their successors are elected and qualify. The following persons were nominated for

the Board of Directors:

Max Ackerman
Jack Plotsky
George Edelstein
Philip Rosenblum
Gerald Narel
Isidore Suchman
Robert Scull
Sidney Surasky
Seymour Rosenblatt
Frank Ancona
Hyman Nissinoff
Leon Murstein
Joseph Acierno
Thomas James
Milton Marks
Charles Hunter
Clinton McIntyre
Morris Heit
John Greenan
Patrick Kelly
Lewis Katz

Upon motion duly made, seconded and unanimously carried, said persons were unanimously elected as Directors of the Corporation to serve for the term of one year and until their successors shall be elected and qualify.

Mr. Henry G. Friedlander, member of the firm of Friedlander & Gaines, general counsel to Metropolitan Taxicab Board of Trade, Inc., discussed with the members matters of interest to the Corporation.

Mr. Benjamin Botwinick, auditor of the Corporation, gave a financial report of the affairs of the Corporation. Upon motion

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duly made, seconded and unanimously carried, it was

RESOLVED, that all expenses and disbursements of the Corporation for the fiscal period April 1, 1963 through March 31, 1964 are hereby ratified and approved.

There being no further business to come before the meeting, it was, on motion duly made, seconded and unanimously carried, adjourned.

Secretary

Plaintiff's Exhibit 33

MINUTES OF MEETING OF BOARD OF DIRECTORS

of

METROPOLITAN TAXICAB BOARD OF TRADE, INC.

Minutes of meeting of Board of Directors of Metropolitan Taxicab Board of Trade, Inc., held at 1775 Broadway, on the 7th day of May, 1964 at 12:00 noon.

A quorum of the Directors of the Corporation was personally present.

Mr. Isidore Suchman called the meeting to order and acted as Chairman and Mr. Philip Rosenblum acted as Secretary of the meeting.

The Secretary presented a written waiver of notice of the meeting mailed to the Directors, and, upon motion duly made, seconded and unanimously carried, it was ordered that the same be prefixed to the record of the minutes of this meeting.

Upon motion duly made, seconded and unanimously carried, the following persons were nominated as officers of the Corporation:

For President, Chairman: Isidore Suchman
For Vice-President: Jack Plotsky
For Vice-President: Sol Schwartz
For Vice-President: Morris Heit
For Secretary-Treasurer: Philip Rosenblum
For Executive Director: Benjamin Botwinick

Upon motion duly made, seconded and unanimously carried, said officers were unanimously elected for the offices to which they had been nominated to serve for a term of one year and until their successors shall be elected and qualify.

There was a general report by Messrs. Henry G. Friedlander and Benjamin Botwinick of matters of interest to the members which transpired during the preceding year.

The Chairman designated the following persons to be members of the Executive Committee:

Jack Plotsky - Chairman
Philip Rosenblum
John Greenan
Leon Murstein
Joseph Acierno
Arthur Turkisher
Henry G. Friedlander
Benjamin Botwinick

The Chairman stated that the Corporation had maintained an account with the Federation Bank & Trust Co. Upon motion duly made, seconded and unanimously carried, it was

RESOLVED, that the Corporation maintain an account with the Federation Bank & Trust Co.; and it was further

RESOLVED, that the Board of Directors adopt the resolutions set forth in the banking resolution and directed that a copy of said certificate be annexed to the minutes.

There being no further business to come before the meeting, it was, on motion duly made and seconded, adjourned.

Secretary

Plaintiff's Exhibit 34

MINUTES OF MEETING OF MEMBERS

of

METROPOLITAN TAXICAB BOARD OF TRADE, INC.

Minutes of meeting of members of Metropolitan Taxicab Board of Trade, Inc. held at 1775 Broadway, on April 14, 1965 at 10:00 A. M.

A quorum of the members were personally present.

Mr. Jack Plotsky called the meeting to order and acted as Chairman and Mr. Louis E. Cohen acted as Secretary of the meeting.

The Secretary presented a Notice of Meeting dated March 15, 1965, and upon motion duly made, seconded and unanimously carried, it was ordered that the same be annexed to the record of the minutes of the meeting.

The minutes of the preceding meeting of the Corporation were read and approved as read.

The Chairman requested nominations to serve as members of the Board of Directors for the next year and until their successors are elected and qualify. The following persons were

nominated for the Board of Directors:

Max Ackerman
Ira Suchman
Philip Rosenblum
Jack Plotsky
George Edelstein
Gerald Naren
Robert Scull
Sidney Surasky
Leon Murstein
Joseph Acierno
Seymour Rosenblatt
Frank Ancona
Hyman Nissinoff
Milton Marks
Charles Hunter
Thomas James
Clinton McIntyre
Jerry Ackerman
Patrick Kelly
Morris Heit
Lewis Katz
John Greenan

Upon motion duly made, seconded and unanimously carried, said persons were unanimously elected as Directors of the Corporation to serve for the term of one year and until their successors shall be elected and qualify.

Mr. Henry G. Friedlander, general counsel to the Corporation, gave a review of the matters of interest to the members.

Mr. Benjamin Botwinick, auditor of the Corporation, gave a financial report of the affairs of the Corporation. Upon

motion duly made, seconded and unanimously carried, it was

RESOLVED, that all expenses and disbursements of the Corporation for the fiscal period April 1, 1964 through March 31, 1965 are hereby ratified and approved.

There being no further business to come before the meeting, it was, on motion duly made, seconded and unanimously carried, adjourned.

Secretary

Plaintiff's Exhibit 35

MINUTES OF MEETING OF BOARD OF DIRECTORS

of

METROPOLITAN TAXICAB BOARD OF TRADE, INC.

Minutes of meeting of Board of Directors of Metropolitan Taxicab Board of Trade, Inc., held at 1775 Broadway, on the 14th day of April, 1965 at 12:00 noon.

A quorum of the Directors of the Corporation was personally present.

Mr. Jack Plotsky called the meeting to order and acted as Chairman and Mr. Louis E. Cohen acted as Secretary of the meeting.

Upon motion duly made, seconded and unanimously carried, the following persons were nominated as officers of the Corporation:

Jack Plotsky -- President, Chairman
Hyman Nissinoff -- Vice-President
Isidore Suchman -- Vice-President
Sol Schwartz -- Vice-President
Morris Heit -- Vice-President
Louis E. Cohen -- Secretary
Philip Rosenblum -- Treasurer
Benjamin Botwinick -- Executive Director

Upon motion duly made, seconded and unanimously carried,

said officers were unanimously elected for the offices to which they had been nominated to serve for a term of one year and until their successors shall be elected and qualify.

There was a general report by Messrs. Henry G. Friedlander and Benjamin Botwinick of matters of interest to the members which transpired during the preceding year.

The Chairman designated the following persons to be members of the Executive Committee:

Isidore Suchman - Chairman
Philip Rosenblum
Norman Kanterman
Jack Plotsky
John Greenan
Leon Murstein
Ira Suchman
Joseph Acierno
Arthur Turkisher
Henry G. Friedlander
Benjamin Botwinick

The Chairman stated that the Corporation had maintained an account with the Federation Bank & Trust Co. Upon motion duly made, seconded and unanimously carried, it was

RESOLVED, that the Corporation maintain an account with the Federation Bank & Trust Co.; and it was further

RESOLVED, that the Board of Directors adopt the resolutions set forth in the banking resolution and directed that a copy of said certificate be annexed to the minutes.

There being no further business to come before the meeting, it was, on motion duly made and seconded, adjourned.

Secretary

Plaintiff's Exhibit 36

I.T.O.CMeeting of Aug. 26, 1964
at the office of Amalgamated Taxi Assn.

Meeting was called to order at 1)00 P.M. All members of the taxi council were present with the exception of A. Kanner. Also present were Henry Friedlander, Ben Botwinick, George MacIntyre, George Glaser and Jack Janoff.

Mr. Marks read another letter to be printed on ITOC stationery and maled by each organization to its membership.

The secretary of ITOC was ordered to send a letter to United Taxi Owners' Guild, accepting its resignation from the Council.

Mr. Botwinick stated that he met with and lunched with Mr. Sadowsky. He showed Mr. Sadowsky the bad features in the Sadowsky bill.

Mr. Botwinick also stated he met with Police Commissioner, Murphy, and also discussed the Sadowsky Bill with him. Mr. Botwinick also met with Mr. Reisman, who is the legal master of the Police Dept. and discussed the legal status of the Sadowsky Bill.

Mr. Botwinick met with Commissioner McCabe of the Hack Bureau and discussed the bad features with regard to a control board and the damage it can do to the taxi industry. He cited the past experiences of our industry with regards to a control board.

Mr. Botwinick suggested a conference be set up with Independents, Fleets, and the Hack Bureau on this matter. The entire industry is opposed to the Sadowsky Bill #~~1~~ 746 It was suggested to write letters and make phone calls directly to Mr. Sadowsky opposing this vicious bill.

Mr. Botwinick expects that the Rate of FareBill will be coming up at the next City Council meeting.

Mr. McIntyre suggested that a letter be drawn up stating the past experiences of the taxi industry with control boards, taxi monopolies, Drennen era, etc., and to send this letter to the editor of the N.Y. Times, because they came out for the Sadowsky Bill.

It was also suggested that we publicize the Hero Awards that are given to taxi drivers each year.

It was also suggested by Mr. Botwinick to try to accomplish a ruling on the roof light that only 1965 cabs be equipped with the new required light; and that the older cabs should not be compelled to put these lights on.

He stated that he will take this matter up with Commissioner McCabe and he felt he may accomplish same.

At this point Mr. Friedlander, Botwinick, and McIntyre left the meeting, at 2:40 P.M., and suggested joining us at our next meeting.

Mr. Marks then presided over our Council meeting.

A motion was made by Singer, seconded by Piantoni, to elect Pat Twomey as Vice-President of the ITOC, to fill the office vacated by the resignation of Sal Baron. Motion was passed unanimously.

Mr. Marks suggested that we call for an ITOC meeting with all board members of the respective organizations.

Mr. Glaser suggested that we get up a presentation, in letter form, of all the activities of the ITOC up to the present date.

Creative Communications were asked to get out publicity on what has happened to the fare increase.

Mr. Janoff reported that he did not as yet have the complete data on the Philadelphia union story.

There being no further business, the meeting was adjourned at 4:00 PM. The next meeting will be held on Wednesday, September 9th - place to be decided upon.

Respectfully submitted,

Benjamin Weiner, Secy.

Benjamin Weiner

Plaintiff's Exhibit 42

Cancellers	Date	Written or Oral
En Operating Corp. Gerald Naren	7/14/64	w and o
Cornell Maintenance Corp.	7/14/64	w
Metro Systems Corp. Jack Plotsky	7/14/64	w and o
Columbia Operating Co. Inc. Ira (Isidore) Suchman	7/14/64	w
Chase Maintenance Corp. Morris Heit	7/14/64	o
JoFan Maintenance Corp. Leonard Schaffran	7/14/64	o
Ann Service Corp. Milton Marks	7/14/64	o
Butler Maintenance Corp.	7/14/64	w and o
Star Maintenance Corp.	7/15/64	w
M & S Maintenance Corp. Morris Lefkowitz	7/15/64	w
Andrea Service Corp.	7/16/64	w and o
Cab Operating Co., Inc.	7/16/64	w
Cadet Maintenance Co., Inc.	7/16/64	w
Checker Garage Service Corp.	7/16/64	w
Marby Operating Corp.	7/16/64	o
Transportation Maintenance Inc.	7/16/64	w
Trans Maintenance Inc.	7/16/64	w
Lenox Maintenance Corp. Leon Murstein	7/17/64	w
Super Operating Corp.	7/20/64	w
Fare Operating Corp.	7/20/64	w
Cordi Garage Corp.	7/20/64	w and o

1467 a.

Cancellers	Date	Written or Oral
Circle Maintenance Corp.	7/20/64	w
Cab Transportation Corp.	7/23/64	w
Terminal System Inc.	8/19/64	w
Haso Maintenance Corp.	9/1/64	w
Willow Maintenance Corp.	9/3/64	w and o
AAR Operating Corp.	9/3/64	w
Essex Maintenance Corp.	9/9/64	w
Dynamic Operating Corp.	9/11/64	w
Eden Maintenance Corp.	9/11/64	w
Progress Service Co. Inc.	9/15/64	w
Ramp Maintenance Corp.	10/5/64	w
Continental Cab Corp.	10/7/64	w
Tedmar Service Corp.	10/7/64	w and o
Celbert Garage Corp.	10/8/64	w and o
Margol Operating Corp.	10/5/64 and 10/8/64	o
Forest Maintenance Corp.	10/9/64	w
Ted-Fre Corp.	10/10/64	w
Garr Service Corp.	10/10/64	w
Metropolitan Taxicab Board of Trade Inc.	10/14/64	w
Rego Maintenance Corp.	10/14/64	w
Frenat Service Corp.	10/30/64	w
Cross-County Taxi Service, Inc.	11/10/64	w
Jaycee Service Corp.	about 11/16/64	o
Lauran Service Corp.	about 11/16/64	o

Cancellers	Date	Written or Oral
Capitol Cab Corp.	11/6/64	w
Jayson Operating Corp.	11/9/64	w
Mobile Transit Systems, Inc.	11/9/64	w
Sixth St. Management Corp. Nathan Levine	11/12/64	w
57th St. Management Corp. Nathan Levine	11/12/64	w
Yankee Service Corp. Nathan Levine	11/12/64	w
Chad Operating Corp.	11/16/64	w
Iota Garage Corp.	about 11/23/64	o
Dover Garage Inc.	11/24/64	w
Clinton Taxi	about 11/30/64	o
Man Maintenance Corp.	11/64	w
Cromwell Maintenance Corp.	11/20/64	w
Cab Management Corp.	11/25/64	o
Main Operating Corp.	11/27/64	w
Flex Operating Corp.	12/8/64	o
Level Maintenance Corp.	about 12/21/64	o
Joad Management Corp.	about 12/28/64	o
Phoenix Taxi Corp.	about 1/4/65	o
Ilex Service Corp. Ian Gibson	1/18/65	w
Empire Mutual Insurance Co.	2/15/65	w
Kroy Service Inc.	about 8/31/64	o

Plaintiff's Exhibit 43

EXHIBIT
U. S. DIST. COURT
S. D. OF N. Y.
43

TAXI WEEKLY, INC.

FINANCIAL REPORT

AS OF JUNE 30, 1963

GRAHAM FARBER
CERTIFIED PUBLIC ACCOUNTANTS

1470 a

GRAHAM AND FARBER
CERTIFIED PUBLIC ACCOUNTANTS
1841 BROADWAY
NEW YORK 23, N.Y.

CIRCLE 7-1451

LEWIS J. GRAHAM, C.P.A.
SHAURAIN FARBER, C.P.A.

July 24, 1963

Taxi Weekly, Inc.
161 West 54 Street
New York 19, New York

Gentlemen:

We have audited the books and records of the corporation for the three months ended June 30, 1963 and present herewith a financial report thereon, consisting of the following:

Exhibit "A" - Balance Sheet as of June 30, 1963

Exhibit "B" - Profit and Loss Statement for the three and one month periods ended June 30, 1963

Supporting Schedules

The report was prepared from the books and records of the corporation with no independent verification of assets or liabilities by direct communication with outside sources.

We may not, therefore, under current accounting practice, express an opinion regarding the statements.

Should any further information be required regarding the accounts, we shall be pleased to furnish you with the same, or to confer with you thereon at your convenience.

Respectfully submitted,

Graham and Farber

GRAHAM AND FARBER

TAXI WEEKLY, INC.
BALANCE SHEET
AS OF JUNE 30, 1963

1471 a

EXHIBIT "A"

A S S E T S

Current Assets:				
Cash in Manufacturers Trust Co.				$ 8,696.78
Accounts Receivable			$14,303.75	
Less: Reserve for Commissions and Discounts			744.00	13,559.75
Total Current Assets				22,256.53
Fixed Assets:	Cost	Reserve for Depreciation	Adjusted Cost	
Furniture and Fixtures	$4,291..9	$3,039.55	$1,252.24	
Machinery and Equipment	890.91	781.04	109.87	
Leasehold Improvements	2,349.37	1,174.21	1,175.16	
Total	$7,532.07	$4,994.80		2,537.27
Other Assets:				
Security and Other Deposits			370.00	
Deferred Charges			335.44	
Loans and Exchanges			12.45	
Total Other Assets				717.89
TOTAL ASSETS				$25,511.69

LIABILITIES AND CAPITAL

Accounts Payable and Accrued Expenses (Sch. A-I)	491.12	
Payroll and Withholding Taxes Payable	956.24	
Circulation Prepaid	3,996.00	
Total Liabilities		$ 5,443.36
Capital:		
Capital Stock	300.00	
Earned Surplus (Schedule A-II)	19,768.33	
Total Capital		20,068.33
TOTAL LIABILITIES AND CAPITAL		$25,511.69

TAXI WEEKLY, INC.

SCHEDULES - EXHIBIT "A"
AS OF JUNE 30, 1963

ACCOUNTS PAYABLE AND ACCRUED EXPENSES - SCHEDULE A-I:

Telephone	$ 86.32
Electricity	5.00
Compensation Insurance	60.00
Trucking	41.50
Accounting	183.30
N.Y. City Gross Receipts Tax	115.00
TOTAL	$491.12

EARNED SURPLUS - SCHEDULE A-II:

Earned Surplus as of March 31, 1960		$10,857.07
Shareholders' Undistributed Taxable Income:		
Balance - as of April 1, 1963	$ 705.19	
Add: Net Profit for the three months ended June 30, 1963 (Exhibit "B")	8,206.07	
		8,911.26
COMBINED BALANCE AS OF JUNE 30, 1963		$19,768.33

EXHIBIT "B"

TAXI WEEKLY, INC.

PROFIT AND LOSS STATEMENT
FOR THE PERIOD

	Three Months Ended June 30, 1963			Month of June, 1963		
	Taxi Weekly	Taxi Industry	Total	Taxi Weekly	Taxi Industry	Total
Gross Advertising Income (Schedule B-I)	$13,746.02	$9,176.50	$22,922.52	$4,381.32	$2,883.50	$7,264.82
Less: Commissions, Discounts and Rebates	1,189.95	1,491.87	2,681.82	527.50	333.83	861.33
Net Advertising Income	12,556.07	7,684.63	20,240.70	3,853.82	2,549.67	6,403.49
Circulation Income (Schedule B-I)	10,461.90	416.63	10,878.53	3,259.30	105.63	3,364.93
Legal Advertising - Net	398.75		398.75	1.50		14.50
	23,416.72	8,101.26	31,517.98	7,098.62	2,655.30	9,753.92
Less: Printing and Paper	4,377.89	3,456.10	7,833.99	1,341.76	1,639.48	2,981.24
Gross Profit	$19,038.83	$4,645.16	23,683.99	$5,756.86	$1,015.82	6,772.68
Add: Sundry Income			54.50			3.00
Total Income			23,738.49			6,775.68
Expenses:						
Payroll Expenses:						
Salaries (Excluding Officers)		$4,521.65			$1,446.20	
Social Security Taxes		568.43			165.05	
Total		5,090.08			1,611.25	
Circulation, Editorial and Advertising Expense (Schedule B-II)		2,268.02			1,285.18	
General and Administrative Expenses (Schedule B-III)		4,124.32			1,688.14	
Total Expenses			11,482			4,584.57
Net Profit (Before Officers' Salaries)			12,256.07			2,191.11
Officers' Salaries			4,050.00			1,150.00
NET PROFIT			$ 8,206.07			$1,041.11

GRAHAM AND FARB
CERTIFIED PUBLIC ACCOUNTANTS

1473a

TAXI WEEKLY, INC.

SCHEDULE B-I

COMPARATIVE INCOME ANALYSIS
FOR THE THREE MONTHS ENDED JUNE 30, 1963 AND 1962

	Gross Advertising Income					
	Current Period (13 Weeks)			Prior Year (13 Weeks)		
	Total	Taxi Weekly	Taxi Industry	Total	Taxi Weekly	Taxi Industry
April	$ 7,990.	*$ 4,914.	$3,076.	$ 9,053.	*$ 4,812.	$ 4,241.
May	7,668.	4,451.	3,217.	8,188.	3,692.	4,496.
June	7,265.	4,381.	2,884.	6,094.	3,308.	2,786.
TOTAL	$22,923.	$13,746.	$9,177.	$23,335.	$11,812.	$11,523.

	Circulation Income					
	Current Year			Prior Year		
	Total	Taxi Weekly	Taxi Industry	Total	Taxi Weekly	Taxi Industry
April	$ 4,057.	*$ 3,958.	$ 99.	$ 3,945.	*$ 3,891.	$ 54.
May	3,484.	3,387.	97.	3,120.	3,072.	48.
June	3,187.	3,152.	35.	3,072.	3,039.	33.
Total	10,728.	10,497.	231.	10,137.	10,002.	135.
Deferred Circulation - Adjustments:						
Deferred at Beginning Year	4,147.	1,768.	2,379.			
Deferred at June 30, 1963	3,996.	1,803.	2,193.			
Net Addition - Reduction to Income	151.	35.	186.			
TOTAL	$10,879.	$10,462.	$417.	$10,137.	$10,002.	$135.

* Five week month.

BEST COPY AVAILABLE

TAXI WEEKLY, INC.

SCHEDULES - EXHIBIT "B"
FOR THE PERIODS

	Three Months Ended June 30, 196[illegible]	Month of June 1963
CIRCULATION, EDITORIAL AND ADVERTISING EXPENSE - SCHEDULE B-II:		
Postage	$1,941.86	$1,100.14
Cuts and Art Work	155.20	115.23
Trucking	79.00	41.50
Audit Bureau of Circulation	2.93	
Stories and Correspondents	10.00	
Mailing Lists	26.00	13.00
Supplies	36.03	15.31
Rental - Pitney Bowes	17.00	
TOTAL	$2,268.02	$1,285.18

GENERAL AND ADMINISTRATIVE EXPENSES - SCHEDULE B-III:		
Rent	$ 750.00	$ 250.00
Travel and Entertainment	910.29	341.35
Repairs and Maintenance	20.00	10.00
Accounting and Legal	274.93	91.67
Electricity	20.43	
Employees Hospitalization	205.08	163.92
Telephone and Telegrams	230.70	67.99
General Expenses	660.00	230.00
Promotion and Publicity	32.50	
Bank Charges	23.25	4.06
Auto Expense	102.23	33.97
Insurance	70.73	
Bad Debts	496.98	380.98
Gross Receipts Tax	115.00	38.00
Depreciation - Furniture and Equipment	69.00	23.00
- Machinery	9.00	3.00
- Leasehold Improvements	117.00	39.00
N.Y. City Occupancy Tax	6.00	
Stationery and Printing	6.20	6.20
Dues and Subscriptions	5.00	5.00
TOTAL	$4,124.32	$1,688.14

Plaintiff's Exhibit 44

1476-a

TAXI WEEKLY, INC.

FINANCIAL REPORT

AS OF JUNE 30, 1964

GRAHAM AND FARBER

CERTIFIED PUBLIC ACCOUNTANTS

1477 a

GRAHAM AND FARBER
CERTIFIED PUBLIC ACCOUNTANTS
1841 BROADWAY
NEW YORK 23, N.Y.
CIRCLE 7-1451

LEWIS J. GRAHAM, C.P.A.
SHAURAIN FARBER, C.P.A.

September 18, 1964

Taxi Weekly, Inc.
161 West 54 Street
New York 19, New York

Gentlemen:

We have audited the books and records of the corporation for the three months ended June 30, 1964 and present herewith a financial report thereon, consisting of the following:

Exhibit "A" - Balance Sheet as of June 30, 1964

Exhibit "B" - Profit and Loss Statement for the three and one month periods ended June 30, 1964

Supporting Schedules

The report was prepared from the books and records of the corporation, with no independent verification of assets or liabilities by direct communication with outside sources.

We may not, therefore, under current accounting practice, express an opinion regarding the statements.

Should any further information be required regarding the accounts, we shall be pleased to furnish you with the same, or to confer with you thereon at your convenience.

Respectfully submitted,

Graham + Farber

TAXI WEEKLY, INC.

BALANCE SHEET
AS OF JUNE 30, 1964

EXHIBIT "A"

A S S E T S

Current Assets:				
Cash in Manufacturers Trust Co.				$ 646.86
Cash in Chemical Bank N.Y. Trust Co.				12,083.37
Accounts Receivable			$17,259.26	
Less: Reserve for Commissions and Discounts			346.00	16,913.26
Total Current Assets				29,643.49
Fixed Assets:	Cost	Reserve for Depreciation	Adjusted Cost	
Furniture and Fixtures	$4,291.79	$3,286.22	$1,005.57	
Machinery and Equipment	1,015.66	817.63	198.03	
Leasehold Improvements	2,349.37	1,644.08	705.29	
Total	$7,656.82	$5,747.93		1,908.89
Other Assets:				
Security and Other Deposits			370.00	
Deferred Charges			500.55	
Loans and Exchanges			104.53	
Total Other Assets				975.08
TOTAL ASSETS				$32,527.46

LIABILITIES AND CAPITAL

Liabilities:		
Accounts Payable and Accrued Expenses (Schedule A-I)	$ 2,455.17	
Payroll and Withholding Taxes Payable	701.63	
Circulation Prepaid	2,376.00	
Total Liabilities		$ 5,532.80
Capital:		
Capital Stock	300.00	
Earned Surplus (Schedule A-II)	26,694.66	
Total Capital		26,994.66
TOTAL LIABILITIES AND CAPITAL		$32,527.46

TAXI WEEKLY, INC.

SCHEDULES - EXHIBIT "A"
AS OF JUNE 30, 1964

ACCOUNTS PAYABLE AND ACCRUED EXPENSES - SCHEDULE A-I:

Electricity	$ 5.00
Telephone	86.32
Compensation Insurance	60.00
Accounting	183.34
Trucking	80.00
N.Y. City Gross Receipts Tax	114.00
N.Y. City Rent Tax	12.50
Miscellaneous Accounts Payable	456.33
Payroll	322.20
Printing - Taxi Industry	1,135.48
TOTAL	$2,455.17

EARNED SURPLUS - SCHEDULE A-II:

Earned Surplus as of March 31, 1960		$10,857.07
Shareholders' Undistributed Taxable Income:		
Balance - as of April 1, 1964	$6,875.10	
Add: Net Profit for the three months ended June 30, 1964 (Exhibit "B")	8,962.49	
Balance - June 30, 1964		15,837.59
COMBINED BALANCE AS OF JUNE 30, 1964		$26,694.66

TAXI WEEKLY, INC.

PROFIT AND LOSS STATEMENT
FOR THE PERIODS

EXHIBIT "B"

	Three Months Ended June 30, 1964			Month of June		
	Taxi Weekly	Taxi Industry	Total	Taxi Weekly	Taxi Industry	Total
Gross Advertising Income (Schedule B-I)	$12,579.46	$9,765.75	$23,345.21	$4,495.98	$2,695.25	$7,191.23
Less: Commissions, Discounts and Rebates	1,669.64	1,401.98	3,071.62	444.66	605.21	1,049.87
Net Advertising Income	11,909.82	8,363.77	20,273.59	4,051.32	2,090.04	6,141.36
Circulation Income (Schedule B-I)	10,586.50	309.00	10,895.50	4,016.50	102.00	4,118.50
	22,496.32	8,672.77	31,169.09	8,067.82	2,192.04	10,259.86
Less: Printing and Paper	4,392.00	4,207.43	8,599.43	1,674.20	1,135.48	2,809.68
Gross Profit	$18,104.32	$4,465.34	22,569.66	$6,393.62	$1,056.56	7,450.18
Add: Sundry Income			4.50			3.00
Total Income			22,574.16			7,453.18
Expenses:						
Payroll Expenses:						
Salaries (Excluding Officers)		$4,530.53			$1,615.14	
Social Security Taxes		324.08			138.26	
Total		4,863.41			1,753.40	
Circulation, Editorial and Advertising Expense (Schedule B-II)		1,645.89			430.69	
General and Administrative Expenses (Schedule B-III)		2,842.37			825.67	
Total Expenses			9,351.67			3,009.76
Net Profit (Before Officers' Salaries)			13,222.49			4,443.42
Officers' Salaries			4,260.00			1,420.00
NET PROFIT			$ 8,962.49			$3,023.42

1480 a

TAXI WEEKLY, INC.

COMPARATIVE INCOME ANALYSIS
FOR THE THREE MONTHS ENDED JUNE 30, 1964 AND 1963

SCHEDULE B-1

Gross Advertising Income

	Current Period (13 Weeks)			Prior Period (13 Weeks)		
	Total	Taxi Weekly	Taxi Industry	Total	Taxi Weekly	Taxi Industry
April	$ 7,525.	$ 4,547.	$2,978.	$ 7,990.	*$ 4,914.	$3,076.
May	8,629.	4,536.	4,093.	7,668.	4,451.	3,217.
June	7,191.	* 4,496.	2,695.	7,265.	4,381.	2,884.
TOTAL	$23,345.	$13,579.	$9,766.	$22,923.	$13,746.	$9,177.

Circulation Income

	Current Year			Prior Year		
	Total	Taxi Weekly	Taxi Industry	Total	Taxi Weekly	Taxi Industry
April	$ 3,181.	$ 3,128.	$ 53.	$ 4,057.	*$ 3,950.	$ 99.
May	3,360.	3,324.	36.	3,484.	3,387.	97.
June	4,000.	* 3,957.	43.	3,187.	3,152.	35.
Total	10,541.	10,409.	132.	10,728.	10,497.	231.
Deferred Circulation:						
Adjustments:						
Deferred at beginning of year	2,730.	1,062.	1,668.	4,147.	1,768.	2,379.
Deferred at June 30, 1964	2,376.	885.	1,491.	3,996.	1,803.	2,193.
Net Addition - Reduction to Income	354.	177.	177.	151.	35.	186.
TOTAL	$10,895.	$10,586.	$ 309.	$10,879.	$10,462.	$ 417.

* Five week month.

AXI WEEKLY, INC.

DULES - EXHIBIT "B"
FOR THE PERIODS

	Three Months Ended June 30, 1964	Month of June
TISING EXPENSE - SCHEDULE B-II:		
	$1,139.76	$297.69
	177.50	69.48
	147.10	40.00
	44.00	44.00
	59.47	47.68
	17.16	
	44.00	22.00
	16.90	5.20
	$1,645.89	$430.69
SES - SCHEDULE B-III:		
	$ 750.00	$250.00
	189.12	
	151.58	17.65
	24.31	
	36.60	20.60
	424.97	91.63
	26.06	
	252.98	82.91
	83.68	36.38
	2.15	
	60.51	
	10.85	
	199.20	75.00
	6.00	
	283.86	135.00
	114.00	41.00
	37.50	12.50
quipment	63.00	21.00
	9.00	3.00
vements	117.00	39.00
	$2,842.37	$825.67

1483 a

Plaintiff's Exhibit 45

TAXI WEEKLY, INC.

FINANCIAL REPORT

AS OF SEPTEMBER 30, 1964

GRAHAM AND FARBER

CERTIFIED PUBLIC ACCOUNTANTS

GRAHAM AND FARBER
CERTIFIED PUBLIC ACCOUNTANTS
1841 BROADWAY
NEW YORK 23, N.Y.
CIRCLE 7-1451

LEWIS J. GRAHAM, C.P.A.
SHAURAIN FARBER, C.P.A.

October 27, 1964

Taxi Weekly, Inc.
161 West 54 Street
New York, N.Y. 10019

Gentlemen:

We have audited the books and records of the corporation for the six months ended September 30, 1964 and present herewith a financial report thereon, consisting of the following:

Exhibit "A" - Balance Sheet as of September 30, 1964

Exhibit "B" - Profit and Loss Statement for the six and three month periods ended September 30, 1965

Supporting Schedules

The report was prepared from the books and records of the corporation, with no independent verification of assets or liabilities by direct communication with outside sources.

We may not, therefore, under current accounting practice, express an opinion regarding the statements.

Should any further information be required regarding the accounts, we shall be pleased to furnish you with the same, or to confer with you thereon at your convenience.

Respectfully submitted,

Graham & Farber

TAXI WEEKLY, INC.

BALANCE SHEET
AS OF SEPTEMBER 30, 1964

EXHIBIT "A"

A S S E T S

Current Assets:				
Cash in Manufacturers Trust Co.				$ 646.86
Cash in Chemical Bank				2,727.94
Accounts Receivable			$21,043.64	
Less: Reserve for Commissions and Discounts			581.00	20,462.64
Loan Receivable				10,000.00
Total Current Assets				33,837.44
Fixed Assets:	Cost	Reserve for Depreciation	Adjusted Cost	
Furniture and Fixtures	$4,291.79	$3,349.22	$942.57	
Machinery and Equipment	1,015.66	826.63	189.03	
Leasehold and Improvements	2,349.37	1,761.08	588.29	
	$7,656.82	$5,936.93		1,719.89
Other Assets:				
Security and Other Deposits			370.00	
Deferred Charges			529.17	
Loans and Exchanges			72.53	
Total Other Assets				971.70
TOTAL ASSETS				$36,529.03

LIABILITIES AND CAPITAL

Liabilities:		
Accounts Payable and Accrued Expenses (Schedule A-I)	3,930.13	
Payroll and Withholding Taxes Payable	476.75	
Circulation Prepaid	2,022.00	
Total Liabilities		$ 6,428.88
Capital:		
Capital Stock	300.00	
Earned Surplus (Schedule A-II)	29,800.15	
Total Capital		30,100.15
TOTAL LIABILITIES AND CAPITAL		$36,529.03

TAXI WEEKLY, INC.

SCHEDULES - EXHIBIT "A"
AS OF SEPTEMBER 30, 1964

ACCOUNTS PAYABLE AND ACCRUED EXPENSES - SCHEDULE A-I:

Electricity	$ 39.00
Telephone	86.32
Compensation Insurance	60.00
Accounting	575.01
Trucking	40.00
N.Y. City Gross Receipts Tax	70.00
N.Y. City Rent Tax	12.50
Payroll	269.00
Printing - Taxi Industry	1,108.50
Paper	1,223.55
Miscellaneous Accounts Payable	446.25
TOTAL	$3,930.13

EARNED SURPLUS - SCHEDULE A-II:

Earned Surplus as of March 31, 1960		$10,857.07
Shareholders' Undistributed Taxable Income:		
Balance as of April 1, 1964	$ 6,875.10	
Add: Net Profit for the six months ended September 30, 1964 (Exhibit "B")	12,067.98	
Balance - September 30, 1964		18,943.08
COMBINED BALANCE AS OF SEPTEMBER 30, 1964		$29,800.15

TAXI W[illegible]EKLY, INC.

PROFIT AND LOSS STATEMENT
FOR THE SIX AND THREE MONTH PERIODS ENDED SEPTEMBER 30, 1964

EXHIBIT "B"

	Six Months Ended September 30, 1964			Three Months Ended September 30, 1964		
	Taxi Weekly	Taxi Industry	Total	Taxi Weekly	Taxi Industry	Total
Gross Advertising Income (Schedule B-I)	$24,616.10	$18,410.25	$43,026.35	$11,036.64	$8,644.50	$19,681.14
Less: Commissions, Discounts and Rebates	2,755.52	2,668.20	5,423.72	1,085.88	1,266.22	2,352.10
Net Advertising Income	21,860.58	15,742.05	37,602.63	9,950.76	7,378.28	17,329.04
Circulation Income (Schedule B-I)	16,929.60	574.00	17,503.60	6,343.10	265.00	6,608.10
	38,790.18	16,316.05	55,106.23	16,293.86	7,643.28	23,937.14
Less: Printing and Paper	8,387.40	8,919.17	17,306.57	3,995.40	4,711.74	8,707.14
Gross Profit	$30,402.78	$ 7,396.88	37,799.66	$12,298.46	$2,931.54	15,230.00
Add: Sundry Income			4.50			
Total Income			37,804.16			15,230.00
Expenses:						
Payroll Expenses:						
Salaries (Excluding Officers)		$8,149.48			$3,610.95	
Social Security Taxes		487.44			162.56	
Total		8,636.92			3,773.51	
Circulation, Editorial and Advertising Expense (Schedule B-II)		3,014.20			1,368.31	
General and Administrative Expenses (Schedule B-III)		6,015.01			3,172.69	
Total Expenses			17,666.18			8,314.51
Net Profit (Before Officers' Salaries			20,137.98			6,915.49
Officers' Salaries			8,070.00			3,810.00
NET PROFIT			$12,067.98			$ 3,105.49

GRAHAM AND FARBER
CERTIFIED PUBLIC ACCOUNTANTS

TAXI WEEKLY, INC.

SCHEDULE B-I

COMPARATIVE INCOME ANALYSIS
FOR THE SIX MONTHS ENDED SEPTEMBER 30, 1964 AND 1963

Gross Advertising Income

	Current Period (26 Weeks)			Prior Year (27 Weeks)		
	Total	Taxi Weekly	Taxi Industry	Total	Taxi Weekly	Taxi Industry
April	$ 7,525.	$ 4,547.	$ 2,978.	$ 7,990.	*$ 4,914.	$ 3,076.
May	8,629.	4,536.	4,093.	7,668.	4,451.	3,217.
June	7,191.	* 4,496.	2,695.	7,265.	4,381.	2,884.
July	6,870.	3,512.	3,358.	7,226.	* 5,248.	1,978.
August	6,649.	* 4,404.	2,245.	6,547.	3,945.	2,602.
September	6,162.	3,121.	3,041.	9,662.	* 6,418.	3,244.
TOTAL	$43,026.	$24,616.	$18,410.	$46,358.	$29,357.	$17,001.

Circulation Income

	Current Year			Prior Year		
	Total	Taxi Weekly	Taxi Industry	Total	Taxi Weekly	Taxi Industry
April	$ 3,181.	$ 3,128.	$ 53.	$ 4,057.	*$ 3,958.	$ 99.
May	3,360.	3,324.	36.	3,484.	3,387.	97.
June	4,000.	* 3,957.	43.	3,187.	3,152.	35.
July	2,697.	2,656.	41.	3,974.	* 3,940.	34.
August	2,169.	* 2,164.	5.	3,205.	3,186.	19.
September	1,389.	1,347.	42.	4,057.	* 4,025.	32.
Total	16,796.	16,576.	220.	21,964.	21,648.	316.
Deferred Circulation:						
Adjustments:						
Deferred at beginning of year	2,730.	1,062.	1,668.	4,147.	1,768.	2,379.
Deferred at September 30, 1964	2,022.	708.	1,314.	3,495.	1,583.	1,912.
Net Addition to Income	708.	354.	354.	652.	185.	467.
TOTAL	$17,504.	$16,930.	$ 574.	$22,616.	$21,833.	$ 783.

* Five week month.

GRAHAM AND FARBER
CERTIFIED PUBLIC ACCOUNTANTS

TAXI WEEKLY, INC.

SCHEDULES - EXHIBIT "B"
FOR THE SIX AND THREE MONTH PERIODS ENDED SEPTEMBER 30, 1964

	Six Months Ended September 30, 1964	Three Months Ended September 30, 1964
CIRCULATION, EDITORIAL AND ADVERTISING EXPENSE - SCHEDULE B-II:		
Postage	$2,122.60	$ 982.84
Cuts and Art Work	289.26	111.76
Trucking	193.10	46.00
Stories and Correspondents	102.50	58.50
Supplies	125.16	65.69
Rental - Pitney Bowes	34.32	17.16
Mailing Lists	109.56	65.56
Messenger Service	37.70	20.80
TOTAL	$3,014.20	$1,368.31
GENERAL AND ADMINISTRATIVE EXPENSES - SCHEDULE B-III:		
Rent	$1,500.00	$ 750.00
Travel and Entertainment	307.72	118.60
Auto Expense	176.23	24.65
Stationery and Printing	46.98	22.67
Repairs and Maintenance	120.20	83.60
Accounting and Legal	1,733.31	1,308.34
Electricity	107.01	80.95
Telephone and Telegrams	435.34	182.36
General Expense	206.68	123.00
Bank Charges	6.43	4.28
Insurance	60.51	
Dues and Subscriptions	25.85	15.00
Advertising and Promotion	375.80	176.60
Occupancy Tax	6.00	
Employees' Hospitalization	239.82	44.04
Gross Receipts Tax	206.48	92.48
Rent Tax	75.00	37.50
Depreciation - Furniture & Equipment	126.00	63.00
Machinery	18.00	9.00
Leasehold Improvements	234.00	117.00
Safe Deposit Box	7.70	7.70
TOTAL	$6,015.06	$3,172.69

Plaintiff's Exhibit 104

TAXI WEEKLY, INC.

1490 a

Adjustment to Operating Statement for Valuation

Year Ended March 31

	1964	1963	1962
Gross revenue	$140,383	$130,179	$143,480
Printing and paper	35,748	33,392	32,692
Other costs (except Officers' Salaries)	47,546	52,817	53,684
	83,294	86,209	86,376
Profit before Officers' Salaries	57,089	43,970	57,104
Provision of normal Officers' Salaries	15,000	15,000	15,000
	42,089	28,970	42,104
Provision for New York State income tax @ 5½%	2,315	1,593	2,316
	39,774	27,377	39,788
Provision for Federal Income Tax 22% on First $25,000 50% on Remainder	12,887	6,689	12,894
	$ 26,887	$ 20,688	$ 26,894

TAXI WEEKLY, INC.

1491 a

Computation of Value July 1, 1974

Going Concern Basis

Adjusted profits year ended March 31,	1964	$ 26,887
	1963	20,688
	1962	26,894
	1961	[redacted]
	1960	[redacted]

Average 1962-1964	$ 24,823
Price - earnings ratio	x 10
Value - Going Concern Basis	$248,230

Advertisers	Dates of Cancellation
Future Motors	Cutback about 12/7/64 Cancelled 2/19/65
Chrysler Corp.	Cancelled 10/29/65
King Ford	Cutback about 1/11/65 Cancelled about 1/18/65
Rockwell Mfg. Co.	Cutback 3/24/65, 7/15/65, 9/7/65 Cancelled all display adv. 1/1/66
Ebbetts Field Dodge Inc.	Cancelled 7/8/65
Henry's Chrylser Plymouth	Did not resume advertising
Bay Ridge Maintenance Corp.	Cancelled 7/4/65
Londal Operating Corp.	7/16/65
Zone Operating Service	Cancelled about 4/5/65
Willann Operating Co.	Cancelled 12/11/64
Public Service Mutual Insurance Company	Cutback of customary ads, fall of 1964 . Did not run thereafter.
Amalgamated Mutual Casualty Co.	Did not run customary ads, fall of 1964 and thereafter
Shamrock Casualty Co.	Did not run customary ads, fall of 1964 and thereafter
Empire Mutual Ins. Co.	Did not run customary ads , fall of 1964 and thereafter
Tremont Chevrolet	Cancelled prior to July 6, 1964 Did not resume in fall.
Bob Hirsch Dodge	Cancelled 10/25/65
Ace Dodge	Cutback prior to 12/21/64 Further cutback prior to 5/17/65 Cancelled 3/1/66

Advertisers	Dates of Cancellation
Melvin Garage	Cancelled December 11, 1964
Manhattan Spring & Chassis Corp.	Cancelled about 10/11/65
Harry's For Brakes	Cutback about 5/17/65 Cancelled 9/14/66
Efficient Instrument Corp.	Cancelled display adv. about 6/7/65
Unger Auto Parts	Cancelled 5/17/65
Gil Walker, Inc.	Cancelled about 10/5/64
David Greenberg	Cancelled about 1/4/65
Mannie Fogler	Cancelled about 1/4/65

IT IS HEREBY STIPULATED between the parties that for the fiscal year ending March 31, 1964, the following businesses and agencies caused advertising to be carried in the newspapers, Taxi Weekly and Taxi Age, in the total amounts indicated, without any breakdown as to which advertisements appeared in which newspaper:

No. 1

Business	Agency (Billed to)	Amount
Rockwell	Marsteller, Inc. Chicago, Illinois	742.35
Wilco	Seymour Lax & Co. Atlantic City, N.J.	56.42
Studebaker (St. Louis, Mo. S. Bend, Indiana)	D'Arcy 430 Park Avenue New York, New York	2,021.57
John E. Mitchell Co.	Norsworthy Mercer, Inc. Dallas, Texas	150.00
Mark IV	Norsworthy Mercer, Inc. Dallas, Texas	150.00
North Carolina Department Construction and Development	Bennett Advertising Highpoint, N. C.	282.50
Embassy Tire	Park Advertising Agency Elizabeth, New Jersey	95.00
T. K. Reynolds	New Milford, Conn.	3.92
J.S. Sapinsley	Dayton, Ohio	20.00
Mary L. Hegeler	Hagerstown, Maryland	7.00
Edward D. Cuffe	Upper Montclair, N.J.	7.67
Cabalance, Inc.	Jersey City, N.J.	7.00
Joseph M. Racina Agency	South Amboy, N.J.	5.88
I. E. Goldberg	Cranford, New Jersey	3.92
	Sub-total	3,553.23

No. 1 (Cont'd)

Business	Agency (Billed to)	Amount
	Sub-total forwarded	3,553.23
Betty Shanahan	San Francisco, Calif.	3.80
Mrs. Glen Catlin	Minnesota	3.50
Patrick J. Hyde	New Jersey	3.50
Samuel Daitch	Oradell, New Jersey	7.00
Checker Motors	Herbert Baker Advertising Chicago, Illinois	275.00
Stern Electronics	Stanley Stern Los Angeles, Calif.	35.84
Hallicrafters	Henry B. Kreer Chicago, Illinois	53.00
Hess Oil	Delehanty-Kurnett & Geller Madison Avenue New York, New York	761.50
	Perth Amboy, N.J.	139.00
Holland American Lines - N.Y.C.	Donahue & Co. 1271 Avenue of the Americas New York, New York	226.80
Plymouth	N. W. Ayer Philadelphia, Pa.	890.00
Dodge	BBD & Co. New York, New York	617.80
Chevrolet	Campbell Ewald Co. Detroit, Michigan	900.00
Chrysler Motors	Richard LaFond Advertising New York, New York	776.38
Plaza Hotel - NYC	Lavenson Bureau of Advertising Philadelphia, Pa.	560.00
	TOTAL	$8,806.35

No. 1 (Cont'd)

Business	Agency (Billed to)	Amount
	Sub-total forwarded	3,553.23
Betty Shanahan	San Francisco, Calif.	3.80
Mrs. Glen Catlin	Minnesota	3.50
Patrick J. Hyde	New Jersey	3.50
Samuel Daitch	Oradell, New Jersey	7.00
Checker Motors	Herbert Baker Advertising Chicago, Illinois	275.00
Stern Electronics	Stanley Stern Los Angeles, Calif.	35.84
Hallicrafters	Henry B. Kreer Chicago, Illinois	53.00
Hess Oil	Delehanty-Kurnett & Geller Madison Avenue New York, New York	761.50
	Perth Amboy, N.J.	139.00
Holland American Lines - N.Y.C.	Donahue & Co. 1271 Avenue of the Americas New York, New York	226.80
Plymouth	N. W. Ayer Philadelphia, Pa.	890.00
Dodge	BBD & Co. New York, New York	617.80
Chevrolet	Campbell Ewald Co. Detroit, Michigan	900.00
Chrysler Motors	Richard LaFond Advertising New York, New York	776.38
Plaza Hotel - NYC	Lavenson Bureau of Advertising Philadelphia, Pa.	560.00
	TOTAL	$8,806.35

No. 2

Business	Agency (Billed to)	Amount
Hotel Manhattan 270 W. 45th St. New York, N.Y.	Cole, Fischer & Rogow 660 Madison Avenue New York, New York	31.46
Circle Line Pier 83 Foot of W. 43rd St. New York, N.Y.	Lennon & Newell 380 Madison Avenue New York, New York	436.80
This Week Magazine	Barrett Gallagher New York, New York	3.50
American Airlines	J. C. Innes La Guardia Airport Flushing, N.Y.	31.36
Top of the Fair 230 Park Avenue New York, N.Y.	Koehl Landis 41 E. 42nd Street New York, N.Y.	573.14
Lowe's Hotel Summit, Americana City Squire Midtown and Howard Johnson New York, New York	Koehl Landis 41 E. 42nd Street New York, New York	216.00
Radio Station WHN 400 Park Avenue New York, New York	Direct	100.00
North American Newspaper Alliance, Inc. 230 W. 41st Street New York, New York	Direct	5.88
Lord & Taylor New York, N.Y.	James R. Flannagan 475 Fifth Avenue New York, New York	140.00
New York Hilton	Needham & Grohman 30 Rockefeller Plaza New York, New York	1,078.70
Waldorf Astoria	Kastor, Hilton & Chesley 575 Lexington Avenue New York, New York	280.91
Gas Light Club 124 East 56th St. New York, New York	Direct	26.16
Con Edison	BBD & O 383 Madison Avenue New York, N.Y.	571.32
	Sub-total	$3,495.23

No. 2 (Cont'd)

Business	Agency (Billed to)	Amount
	Sub-total forwarded	3,495.23
Paxton PMP Philip Morris	Benton & Bowles 666 Fifth Avenue New York, New York	450.00
Metropolitan Baseball Club	Direct	140.00
Herald Tribune	Papert Koenig 9 Rockefeller Plaza New York, New York	550.00
New York Times	Direct	29.00
City Squire	Koehl, Landis & Landin 41 East 42nd St. New York, N.Y.	56.64
New York Journal American	Kastor, Hilton 575 Lexington Ave. New York, New York	406.40
Hayden Stone	Doremus & Co. 120 Broadway New York, N.Y.	50.84
	TOTAL	$5,178.11

No. 3

Business Automobile Dealers	Agency (Billed to)	Amount
Bob Hirsch Dodge Brooklyn, N.Y.	Richmond 26 Court Street Brooklyn, N.Y.	$2,060.24
Ebbets Field Dodge Brooklyn, N.Y.	Richmond 26 Court Street Brooklyn, N.Y.	796.00
Pittsburgh-Studebacker Taxicab Corp. 787 11th Avenue New York, New York	Direct	419.00
Wolf Studebaker 273 Lafayette St. New York, N.Y.	Direct	759.60
King Ford Bronx, N.Y.	Miller 730 Fifth Avenue New York, N.Y.	4,502.70
Future Motors Dodge- L.I.City	Powerad 250 West 57th Street New York, New York	5,835.48
Wolff Motors (Ford) Brooklyn, N.Y.	Miller 730 Fifth Avenue New York, N.Y.	1,304.06
Tremont Chevrolet Bronx, New York	Miller Advertising 730 Fifth Avenue New York, N.Y.	1,967.28
Henry's Bronx, New York	Pace Advertising 551 Fifth Avenue New York, New York	216.00
Ace Dodge Brooklyn, New York	Pace Advertising 19 West 44th Street New York, New York	2,915.37
New Yorker Manhattan, New York	Miller Advertising 730 Fifth Avenue New York, New York	197.53
Gallagher Dodge Bronx, New York	Miller 730 Fifth Avenue New York, New York	224.00
	TOTAL	$20,197.26

No. 4

Business Used Cab Sales	Agency(Billed to)	Amount
Ramp Maintenance Corp. 495 Walton Avenue Bronx, New York	Direct	144.00
Cross County Taxi Service 1544 Boone Avenue Bronx, New York	Direct	15.68
Dee Bee Garage 1462 38th Street Brooklyn, New York	Direct	98.00
Jo Fan Maintenance 503 West 55th Street New York, New York	Direct	215.60
	TOTAL	$473.28

No. 5

Business Service Stations	Agency (Billed to)	Amount
Varick Service Station 230 10th Ave. New York, N.Y.	Direct	47.04
Melvin Garage 312 Clarkson Avenue Brooklyn, New York	Direct	29.00
Melvin Garage 915 Knickerbocker Ave. Brooklyn, New York	Direct	817.06
Harry's Service Station Lafayette & Bond Sts. New York, New York	Direct	477.00
Circle Cab Co. c/o Gulf Gas Station 59-35 Northern Blvd. L.I.C., New York	Direct	70.56
Starrett Auto Repairs, Inc. 11th Ave. at 26th St. New York, New York	Direct	357.28
Safeway Service Station 3035 White Plains Rd. Bronx, New York	Equity 120 W. 42nd St. New York, New York	23.52
Kings Shell Station Kings Highway & West 2nd Street Brooklyn, New York	Direct	266.56
NY & A Service Manhattan, New York	Miller 730 Fifth Avenue New York, New York	109.76
Hittnes Garage 403 Lafayette St. New York, New York	Direct	125.44
Leemilt Petroleum Inc. 99 W. Hawthorne Ave. Valley Stream, New York	Direct	95.00
Haro Service Station 10th Ave. at 44th St. New York, New York	Direct	349.20
	TOTAL	$2,767.42

No. 6

Business Parts, repairs, etc.	Agency (Billed to)	Amount
Joe Yac 445 Empire Blvd. Brooklyn, New York	Direct	11.76
S & T Sales & Service 194 Greenpoint Ave. Brooklyn, New York	Direct	200.00
Riverside Rim & Wheel 724 Gamson Avenue Bronx, New York	Direct	72.00
Penn Battery Mfg. Co. 550 West 55 Street New York, New York	Direct	6 627.16
M. Liben Tire Co. 229 W. 64th St. New York, New York	Direct	379.98 379.98
E. Kotter 704 E. 13th Street New York, N.Y.	Direct	266.50
Kay Taximeter 568 11th Ave. New York, New York	Direct	127.50
Frigid Air Conditioning 2401 Avenue X Brooklyn, N.Y.	Direct	961.74
Efficient Instrument (Argo) 613 West 46 St. New York, New York	Direct	640.64 640.64
Cohen Auto Spring 2838 Atlantic Ave. Brooklyn, N.Y.	Direct	512.00
Economy Tires 311 E. 23rd St. New York, N.Y.	Direct	203.75
Brownfeld Auto Spring 319 10th Avenue New York, New York	Direct	78.00
Broadway Auto Seat Cover 4520 Broadway New York, New York	Direct	78.40
	Sub-Total	$4,159.43

No. 6 (Cont'd)

Business Parts, repairs, etc.	Agency (Billed to)	Amount
	Sub-Total forwarded	4,159.43
B & M Sales & Service 520 West 42nd St. New York, N.Y.	Direct	260.84
BEM Automatic Transmission 520 West 52nd Street New York, New York	Direct	148.40
Superior Brake 811 Atlantic Avenue Brooklyn, N.Y.	Direct	164.64
Tech Panel Binghamton, New York	Direct	114.00
Steel Alloy Prods 18-55 42nd St. Long Island City, N.Y.	Direct	148.26
York Radio 1105 First Avenue New York, New York	Direct	99.96
Royal Auto Transmission 5-45 47th Avenue Long Island City, N.Y.	Direct	233.24
Ohmer Recording Instr. 349 W. 54th Street New York, New York	Direct	72.00
Neptune Auto Body 236 East 126th Street New York, New York		311.64
Manhattan Spring & Chasis 555 W. 131 St. New York, New York	Direct	864.00
Modern Auto Radiator 521 West 36th Street New York, New York	Direct	132.50
Monterey Garage 137 W. 89th St. New York, New York	Direct	7.84
Manhattan Trans. Service, Inc. 547 W. 133rd St. New York, New York	Direct	66.15
	Sub-total	$6,782.90

No. 6(Cont'd)

Busienss Parts, repairs, etc.	Agency (Billed to)	Amount
	Sub-Total forwarded	6,782.90
Excell Auto Parts 2150 Amsterdam Ave. New York, New York	Direct	7.84
Auto Spring Specialists 2515 3rd Ave. New York, N.Y.	Direct	47.04
Madison Auto 239 E. 47th Street New York, New York	Direct	3.92
Eastern Tire Co. 159 Dahill Road Brooklyn, New York	Direct	7.84
Allied Auto Springs 1352 39th Street Brooklyn, New York	Direct	16.80
	TOTAL	$6,866.34

No. 7

Business	Agency (Billed to)	Amount
YMCAs New York City	George Walsh Co., Inc. 393 7th Avenue New York, New York	376.50
Travelers Hotel La Guardia Airport Flushing, N.Y.	Preiss & Brown Adv., Inc. 260 Madison Avenue New York, New York	1,040.00
G. Washington and Dixie New York, N.Y.	Bank Adv. Inc. 45 West 34th Street New York, N.Y.	1,273.00
Lincoln Square Motel 155 West 66th Street New York, New York	Direct	140.00
	TOTAL	$2829.50

No. 8

Almagamated Bank Manhattan	D.J. Mendelsohn Agency, Inc. Empire State Bldg. New York, New York	$1,575.22

Defendants' Exhibit D 1506 a

FORM **1120-S**

U. S. Treasury Department
Internal Revenue Service

U. S. SMALL BUSINESS CORPORATION RETURN OF INCOME

FOR CALENDAR YEAR 1961

1961

or other taxable year beginning April 1, 1961, and ending March 31, 1962

Defs' Ex K (rdl) 2 Jan. 2/6/67

COPY

PLEASE TYPE OR PRINT PLAINLY

A. Date of election as small business corporation: Nov. 20, 1958

Name: Taxi Weekly, Inc.

Number and street: 161 West 54 Street

City or town, postal zone number, State: New York 17, N.Y.

B. Business Code No. (See page 4 instr.) 272 Trade Publications

C. Total assets from line 14 Sch. L (See instruction N): 24033.46

D. County in which located: New York

E. Employer identification number: 13-1369100

IMPORTANT—All applicable lines and schedules of this form must be filled in. Where additional space is needed for schedules, attachments must conform to the official form and totals must be entered in the form schedules.

GROSS INCOME	1. Gross receipts ..... Less: Returns and allowances		156,782.74
	2. Less: Cost of goods sold (Schedule A) and/or operations (Attach schedule)		42,468.60
	3. Gross profit		114,314.34
	4. Dividends		
	5. Interest on obligations of the United States, etc., issued: (a) Prior to 3-1-41—(1) U. S. savings and Treasury bonds owned in excess of the principal amount of $5,000; and (2) obligations of a U. S. instrumentality ..... (b) After 2-28-41, U. S., any agency or instrumentality ..... (Gross Amount of Interest / Less: Amortizable Bond Premium)		
	6. Other interest		
	7. Rents		
	8. Royalties		
	9. Gains and losses (from separate Schedule D (Form 1120-S)) (a) Net short-term capital gain reduced by any net long-term capital loss ..... (b) Net long-term capital gain reduced by any net short-term capital loss ..... (c) Net gain (loss) from sale or exchange of property other than capital assets		
	10. Other income (Attach schedule)		
	11. Total income, lines 3 to 10, inclusive		114,314.34
DEDUCTIONS	12. Compensation of officers (Schedule E)		26,200.00
	13. Salaries and wages (not deducted elsewhere)		14,188.61
	14. Repairs (Do not include cost of improvements or capital expenditures)		
	15. Bad debts (Schedule F)		103.91
	16. Rents		3000.00
	17. Taxes (Schedule G) ..... Schedule attached		2873.68
	18. Interest		
	19. Contributions or gifts paid (Schedule H)		
	20. Losses by fire, storm, shipwreck, or other casualty, or theft (Attach schedule)		
	21. Amortization (Attach schedule)		
	22. Depreciation (Schedule I) ..... Sched. AII.		801.06
	23. Depletion of mines, oil and gas wells, timber, etc. (Attach schedule)		
	24. Advertising (Attach schedule)		
	25. Amounts contributed under: (a) Pension, profit-sharing, stock bonus, annuity plans (See instructions) ..... (b) Other employee benefit plans (See instructions)		
	26. Other deductions (Schedule J) ..... Schedule AII.		35,308.84
	27. Total deductions in lines 12 to 26, inclusive		114,010.10
	28. Taxable income, line 11 less line 27		304.24

SIGNATURE AND VERIFICATION. (See Instruction F)

I declare under penalties of perjury that I have examined this return (including accompanying schedules and statements) and to the best of my knowledge and belief it is true, correct, and complete. If prepared by a person other than taxpayer, his declaration is based on all information of which he has any knowledge.

CORPORATE SEAL

(Date) COPY (Signature of officer) (Title)

(Date) (Individual or firm signature of preparer) (Address)

16-78401-8

Schedule A.—COST OF GOODS SOLD. (See Instruction 2)
(Where inventories are an income-determining factor)

1. Inventory at beginning of year	
2. Merchandise bought for manufacture or sale	
3. Salaries and wages	
4. Other costs per books (Attach schedule)	
5. Total	
6. Less: Inventory at end of year	
7. Cost of goods sold (Enter here and on line 2, page 1)	

1. Method of inventory valuation—Cost ☐; lower of cost or market ☐; LIFO ☐; other ☐. If other, attach explanation.
2. Was the method of inventory valuation indicated above the same method used for 1960? ☐ Yes ☐ No. If "No" attach explanation.
3. If inventory is valued at lower of cost or market, enter total cost $_____ and total market valuation $_____ of those items valued at market.
4. If closing inventory was taken by physical count, enter date inventory was taken _____. If not at end of year, attach an explanation of how the end of year count was determined.
5. If closing inventory was not taken by a physical count, attach an explanation of how inventory items were counted or measured.

Schedule D.—Separate Schedule D (Form 1120-S) should be used in reporting sales or exchanges of property. (See Instruction 9)

Schedule E.—COMPENSATION OF OFFICERS. (See page 3 of Instructions)

1. Name and Address of Officer	2. Official Title (abbreviate)	3. Time Devoted to Business	Percentage of Corporation's Stock Owned 4. Common	5. Preferred	6. Amount of Compensation	7. Expense Account Allowances
Abraham Feisinger 161 W. 54 St., N.Y.C.	Pres.	All	50%		27800.00	
Seymour L. Peterman 58 Barrow St., N.Y.C.	Sec'y.-Treas.	All	50%		27800.00	
Joseph Peterman 291 Beach 15 St., Far Rockaway, N.Y.	Ass't. Sec'y.	Part	None		1200.00	
Total compensation of officers (Enter here and on line 12, page 1)					56800.00	xxxxxxx

Schedule F.—BAD DEBTS. (See Instruction 15)

1. Taxable year	Amount of Notes and Accounts Receivable Outstanding at— 2. Beginning of Year	3. End of Year	4. Taxable Income Reported	5. Sales on Account	6. Bad Debts of Corporation if No Reserve is Carried on Books	If Corporation Carries a Reserve 7. Gross Amount Added to Reserve	8. Amount Charged Against Reserve
1958	10671.27	11341.95	3386.22	130889.59	-0-		
1959	11341.95	11812.56	652.97	153962.29	-0-		
1960	11812.56	14210.45	10054.91	162729.41	-0-		
1961	14210.45	16996.65	304.24	156792.94	1037.21		

NOTE. Securities which are capital assets and which became worthless within the taxable year should be reported in separate Schedule D (Form 1120-S)

Schedule G.—TAXES. (See Instruction 17)

Explanation	Amount
Total (Enter here and on line 17, page 1)	

Schedule H.—CONTRIBUTIONS OR GIFTS PAID (See Instruction 19)

Name and Address of Organization	Amount
Contributions carryover (See Instructions)	
Total contributions (Enter here and on line 19, page 1, subject to 5 percent limitation)	

Schedule I.—DEPRECIATION. (See Instruction 22 and Summary on Page 3)

1. Kind of Property (If buildings, state material of which constructed). Exclude Land and Other Nondepreciable Property. List Assets in Groups by Depreciation Method	2. Date Acquired	3. Cost or Other Basis (Exclude land)	4. Depreciation Allowed (or allowable) in Prior Years	5. Method of Computation	6. Rate (%) or Life (years)	7. Depreciation This Year
1. Total						
2. Less: Amount of depreciation claimed in Schedule A and elsewhere on return						
3. Balance—Enter here and on line 22, page 1						

TAXI WEEKLY, INC. 1508 a

161 West 54 St.

New York, N.Y.

2/4 50

YEAR ENDED 3/31/62

1	COST OF GOODS SOLD:	
2		
3	Printing	29340 25
4	Paper	3352 06
5	Stories and Correspondents - Free Lance	2189 90
6	Legal Advertising Expense	1347 25
7	Cuts and Art Work	780 64
8	Salaries	7429 00
9	TOTAL	42 46 860
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21	TAXES:	
22	Social Security	898 47
23	N.Y.S. Unemployment Insurance	60 30
24	N.Y.S. Franchise Taxes	701 38
25	N.Y.S. Disability Benefits	27 86
26	N.Y. City Gross Receipts Tax	509 60
27	N.Y. City Occupancy Tax	4 00
28	Federal Unemployment Ins. Tax	124 27
29		
30	TOTAL	2873 68
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		

TAXI WEEKLY, INC.
161 West 5h St.
New York, N.Y.

74-56

YEAR ENDED 3/31/62

OTHER DEDUCTIONS:	
Commissions	9920 44
Discounts	2034 16
Postage and Meter Rental	9570 20
Supplies	241 37
Travel and Entertainment	5611 34
Professional Fees	1100 00
Telephone and Telegraph	1037 00
Christmas Gifts and Expenses	550 40
Trucking	533 —
Audit Bureau of Circulation	394 19
Mailing Lists	407 65
Repairs and Maintenance	344 24
Stationery and Printing	117 25
Electricity	151 55
Hospitalization	390 08
General Expense	872 92
Bank Charges	88 71
Auto Expense	846 99
Insurance	89 84
Rates and Data Listings	72 00
Collection Expense	120 00
Advertising	112 35
Promotional Expense	177 50
TOTAL	35308 81

TAXI WEEKLY INC 1510 a.
161 W. 54 ST
NY 17, NY.

RIDER ATTACHED - RE SHAREHOLDERS UNDISTRIBUTED TAXABLE INCOME - ITEM 24 - SCHEDULE L.

SHAREHOLDERS UNDISTRIBUTED TAXABLE INCOME BALANCE - BEGINNING - 4-1-61		10711.86
ADD: TAXABLE INCOME - CURRENT YEAR ENDED 3-31-62		30424
DEPRECIATION ADJUSTMENT BY REVENUE AGENT FOR FYE 3-31-60		+ 23100
		11297.1
LESS DIVIDEND PAID DURING CURRENT FISCAL YEAR ENDED 3-31-62		
AS PER SCHEDULE K		
ITEM 5 - OUT OF CURRENT YEARS INCOME - 30424		
ITEM 10 - SHAREHOLDERS UNDISTRIB. TAXABLE INCOME	10437.64	10711.1
SHAREHOLDERS UNDISTRIBUTED TAXABLE INCOME - BAL 3-31-62		5352

+ LINE 9 - SCH L - RESERVE FOR DEPRECIATION

BALANCE - BEGIN OF YR	5530.52
DEPRECIATION - CURRENT YEAR	80.06
	6331.58
LESS - DEPREC ADJUSTMENT ABOVE: RESERVE ON AUTO REDUCED TO SET UP SALVAGE VALUE	2310.00
BALANCE AT END.	6100.58

DEPRECIATION SCHEDULE

NAME Taxi Weekly, Inc.

ADDRESS 161 West 54 Street, New York, N.Y.

Taxable Year Ended 3/31/62

	1. KIND OF PROPERTY (If buildings, state material of which constructed). Exclude land and other nondepreciable property	2. Date acquired	3. Cost or other basis	4. Depreciation allowed (or allowable) in prior years	5. Method of computing depreciation	6. Rate (%) or life (years)	7. Depreciation for this year
1	Furniture and Fixtures	1951	359 68	339 93	Str. Line	10 years	19 75
2	" "	1952	124 71	106 00	"	"	12 47
3	" "	1953	178 85	138 03	"	"	17 89
4	" "	1954	56 65	36 84	"	"	5 67
5	" "	1957	2 120 68	904 31	"	"	212 07
6	" "	1958	290 93	89 67	"	"	29 33
7	Machinery	1956	303 00	177 00	"	"	30 30
8	Leasehold Improvements	1-1-61	2 349 37	117 47	"	5 years	46 97
9	Equipment	1961	62 91	— 0 —	"	10 "	11 63 15
10	TOTAL DEPRECIATION						801 06

1511 a

NAME OF TAXPAYER Taxi Weekly 1512a FILE NO. FYE 3/31/62

FOR SCHEDULE 161 W. 54 St N.Y. 19, N.Y. FOLIO

FORM 1120S

1. COLUMN OR ITEM NO.	2. EXPLANATION	3. AMOUNT		
		Beg. of Yr	End of Yr	
	Other Assets			
	Loans - Exchanges		131	06
	Security Deposits	370.00	320	00
	Sundry Deferred Charges	327.75	447	03
	TOTAL	697.75	949	09

CYPRESS NO. 340

SUMMARY OF DEPRECIATION AND AMORTIZATION SCHEDULES

1. Straight line method:			
(a) Assets acquired prior to 1/1/54			
(b) Assets acquired after 12/31/53			
2. Declining balance method			
3. Sum of the years-digits method			
4. Based on units of production			
5. Additional first-year depreciation (Sec. 179)			
6. Other methods			
7. Total depreciation claimed		8. Emergency facilities	
		9. Grain storage facilities	
		10. Research or experimental expenditures	
		11. Exploration and development expenditures	
		12. Organizational expenditures	
		13. Trademark and trade name expenditures	
		14. Total amortization claimed	

Schedule J.—OTHER DEDUCTIONS. (See General Instruction L and Specific Instruction 28)

		Total (Enter here and on line 26, page 1)	

Schedule K.—SHAREHOLDER'S SHARE OF INCOME. (See page 3 of the instructions)

Computation of Corporation's Undistributed Taxable Income

1. Taxable income (from line 28, page 1)	304.24
2. Less: Money distributed as dividends out of earnings and profits of the taxable year	304.24
3. Corporation's undistributed taxable income	-0-

Schedule of Distribution and Income

	1. Name and Address of Each Shareholder. (If return of shareholder is filed in another internal revenue district, specify district)	Social Security Number	2. Stock Ownership: Number of Shares	Period Held: From	Period Held: To
(a)	Abraham Weisinger, 161 W. 54 St., N.Y.C.		2½	4/1/61	3/31/62
(b)	Seymour L. Peterman, 58 Barrow St., N.Y., N.Y.		2½	4/1/61	3/31/62
(c)					
(d)					
(e)					
Totals		x x x x x x x x x	x x x x x	x x x x x	x x x x x

Continuation of Schedule of Distribution and Income

	3. Percentage of Time Devoted to Business	4. Compensation	5. Dividends: Dates	5. Dividends: Amounts	6. Share of Undistributed Taxable Income or Net Operating Loss	7. Share of Long-Term Capital Gain	8. Dividends Entitled to Exclusions and Credit	9. Amount Taxable as Ordinary Income	10. Nondividend Distributions: Date	10. Nondividend Distributions: Amount
(a)	ALL	27800.00	3-30-62	152.12				152.12	3-30-62	5203.82
(b)	ALL	27800.00	3-30-62	152.12				152.12	3-30-62	5203.82
(c)										
(d)										
(e)										
Totals	x x x x x	55600.00	x x x x x	304.24				304.24	x x x x x	10407.64

F. Date incorporated March 22, 1945

G. Did the corporation derive more than 80% of its gross receipts from sources outside the United States? ☐ Yes ☒ No.

Did the corporation derive more than 20% of its gross receipts from royalties, rents, dividends, interest, annuities, and sales or exchanges of stock or securities (gross receipts from sales or exchanges being taken into account for purposes of this question only to the extent of gains therefrom) ☐ Yes ☒ No.

H. Did the corporation during the taxable year, have any contracts or subcontracts subject to the Renegotiation Act of 1951? ☐ Yes ☒ No.
If "Yes," see General Instruction I and enter amount here $

I. Amount of income (deficit) for: 1958 $ 3386.23
1959 $ 6529.97 1960 $ 10,956.11

J. Refer to page 4 of instructions and state the:
Principal business activity Trade Publications
Principal product or service

K. Did you claim a deduction for expenses connected with: (If answer to any question is "Yes," check applicable boxes within that question).

(1) A hunting lodge ☐, working ranch or farm ☐, fishing camp ☐, resort property ☐, pleasure boat or yacht ☐, or other similar facility ☐? (Other than where the operation of the facility was the principal business.) Yes ☐ No ☒

(2) The leasing, renting, or ownership of a hotel room or suite ☐, apartment ☐, or other dwelling ☐, which was used by customers or employees or members of their families? (Other than use by employees while in business travel status.) Yes ☐ No ☒

(3) The attendance of your employees' families at conventions or business meetings? Yes ☐ No ☒

(4) Vacations for employees or members of their families? (Other than vacation pay reported on Form W-2) Yes ☐ No ☒

Schedule L.—BALANCE SHEETS. (See Instructions)

ASSETS	Beginning of Taxable Year Amount	Beginning of Taxable Year Total	End of Taxable Year Amount	End of Taxable Year Total
1. Cash		13,941.37		2326.05
2. Investments in governmental obligations:				
(a) U. S. and instrumentalities				
(b) States, subdivisions thereof, etc.				
3. Notes and accounts receivable	14,210.45		16986.83	
(a) Less: Reserve for bad debts		14,210.45		16986.83
4. Inventories: (a) Other than last-in, first-out				
(b) Last-in, first-out				
5. Other current assets including short-term marketable investments (Attach Schedule)				
6. Mortgage and real estate loans				
7. Loans to shareholders		283.25		
8. Other investments (Attach schedule)				
9. Buildings and other fixed depreciable assets	9,779.16		9942.07	
(a) Less: Accumulated amortization and depreciation	5,530.52	4,248.64	6100.58	3741.49
10. Depletable assets				
(a) Less: Accumulated depletion				
11. Land (net of any amortization)				
12. Intangible assets (amortizable only)				
(a) Less: Accumulated amortization				
13. Other assets (Attach schedule)		697.75		948.09
14. Total Assets		35,921.16		24002.46
LIABILITIES AND CAPITAL				
15. Accounts payable		970.63		1482.13
16. Bonds, notes, and mortgages payable (short-term) to:				
(a) Banks				
(b) Small business investment companies				
(c) Shareholders				
(d) Others				
17. Other current liabilities		13,081.88		10828.07
18. Bonds, notes, and mortgages payable (long-term) to:				
(a) Banks				
(b) Small business investment companies				
(c) Shareholders				
(d) Others				
19. Other liabilities (Attach schedule)				
20. Capital stock		300.00		300.00
21. Paid-in or capital surplus				
22. Surplus reserves (Attach schedule)				
23. Earned surplus and undivided profits accumulated		10,857.07		10857.07
24. Shareholders' undistributed taxable income		10,771.88	RIDER NET:	535.24
25. Total liabilities and capital		35,921.16		24002.46

Schedule M.—RECONCILIATION OF TAXABLE INCOME

1. Income from books	304.24	9. Total from line 8	304.24
Add: Nondeductible items.		Less: Nontaxable income and allowable deductions not recorded on books.	
2. Contributions in excess of 5% limitation		10. Nontaxable interest on:	
3. Insurance premiums paid on the life of any officer or employee where the corporation is directly or indirectly a beneficiary		(a) Obligations of a State, or a possession of the United States, or any political subdivision of any of the foregoing, or of the District of Columbia	
4. Unallowable interest expense		(b) All postal savings bonds	
5. Excess of capital losses over capital gains		11. Other nontaxable income (Attach schedule)	
6. Adjustment for tax purposes not recorded on books (Attach schedule)		12. Adjustment for tax purposes (Attach schedule)	
7. Other (Attach schedule)		13. Other (Attach schedule)	
		14. Total	
8. Total	304.24	15. Taxable income (Line 9 minus 14)	304.24

☆ U. S. GOVERNMENT PRINTING OFFICE : 1961—O 611167 16—76691-1

Defendants' Exhibit E 1515a

COPY

FORM **1120-S**

U.S. Treasury Department
Internal Revenue Service

U.S. SMALL BUSINESS CORPORATION RETURN OF INCOME

FOR CALENDAR YEAR 1962

1962

or other taxable year beginning April 1, 1962,
and ending March 31, 1963

PLEASE TYPE OR PRINT PLAINLY

Depts Ex L (id)
Zimmer 2/2/67

A. Date of election as small business corporation: Nov. 20, 1958

B. Business Code No. (see page 4 instr.): 272

Trade Publications

C. Total assets from line 13 Sch. L (see instruction N): 23,118.38

Name: Taxi Weekly, Inc.

Number and street: 161 West 54 Street

City or town, postal zone number, State: New York 19, N. Y.

D. County in which located: New York

E. Employer identification number: 13-1369100

IMPORTANT—All applicable lines and schedules must be filled in. If the lines on the schedules are not sufficient, see instruction M.

GROSS INCOME	1. Gross receipts or gross sales ..... Less: Returns and allowances	112,218.96
	2. Less: Cost of goods sold (Schedule A) and/or operations (attach schedule)	13,094.80
	3. Gross profit	99,124.16
	4. Dividends	
	5. Interest on obligations of the United States, etc., issued: (Gross amount / Amortizable premium)	
	(a) Prior to 3-1-41	
	(b) After 2-28-41	
	6. Other interest	
	7. Rents	
	8. Royalties	
	9. Gains and losses (from separate Schedule D (Form 1120-S))	
	(a) Net short-term capital gain reduced by any net long-term capital loss	
	(b) Net long-term capital gain reduced by any net short-term capital loss	
	(c) Net gain (loss) from sale or exchange of property other than capital assets	
	10. Other income (attach schedule)	99,124.16
	11. Total income, lines 3 to 10, inclusive	43,800.00
DEDUCTIONS	12. Compensation of officers (Schedule E)	13,859.90
	13. Salaries and wages (not deducted elsewhere)	
	14. Repairs (do not include cost of improvements or capital expenditures)	388.16
	15. Bad debts (from Schedule F if reserve method is used)	3,000.00
	16. Rents ..... Schedule attached	2,963.23
	17. Taxes (Schedule G)	
	18. Interest	
	19. Contributions or gifts paid (Schedule H)	
	20. Losses by fire, storm, shipwreck, or other casualty, or theft (attach schedule)	
	21. Amortization (attach schedule) ..... Schedule attached	778.22
	22. Depreciation (Schedule I)	
	23. Depletion of mines, oil and gas wells, timber, etc. (attach schedule)	
	24. Advertising (attach schedule)	
	25. (a) Pension, profit-sharing, stock bonus, annuity plans (see instructions)	
	(b) Other employee benefit plans (see instructions) ..... Schedule attached	34,161.70
	26. Other deductions (Schedule J)	98,954.21
	27. Total deductions in lines 12 to 26, inclusive	169.95
	28. Taxable income, line 11 less line 27	

SIGNATURE AND VERIFICATION. (See Instruction F)

I declare under penalties of perjury that I have examined this return (including accompanying schedules and statements) and to the best of my knowledge and belief it is true, correct, and complete. If prepared by a person other than taxpayer, his declaration is based on all information of which he has any knowledge.

CORPORATE SEAL

COPY

(Date) (Signature) (Title)

(Date) (Individual or firm signature of preparer) (Address)

16—77947-1

Schedule A.—COST OF GOODS SOLD. (See Instruction 2)
(Where inventories are an income-determining factor)

1. Inventory at beginning of year	
2. Merchandise bought for manufacture or sale	
3. Salaries and wages	
4. Other costs per books (attach schedule)	
5. Total	
6. Less: Inventory at end of year	
7. Cost of goods sold (enter here and on line 2, page 1)	

1. Was inventory valued at—Cost ☐; lower of cost or market ☐; LIFO ☐; other ☐? If other, attach explanation.
2. Have write-downs been made to inventory? Yes ☐ No ☐ If yes, were the write-downs computed on the basis of:
   (a) ☐ Percentage reductions from parts of the inventory
   (b) ☐ Percentage reductions from the total inventory
   (c) ☐ Valuation of individual items.
   If "a" or "b" is checked, enter the percentage of write-downs .....%. For "a," "b," or "c" enter the dollar amount of write-downs $..... (If not available, estimate and indicate that the figure is an estimate.)
3. Was the inventory verified by physical count during the year? Yes ☐ No ☐ If "No," attach explanation of how the closing inventory was determined.
4. Was there any substantial change in the manner of determining quantities, costs or valuations between the opening and closing inventories? Yes ☐ No ☐ If "Yes," attach explanation.

NOTE: If a direct answer cannot be given to a question, attach explanation.

Schedule D.—Separate Schedule D (Form 1120-S) should be used in reporting sales or exchanges of property. (See Instruction 9)

Schedule E.—COMPENSATION OF OFFICERS. (See page 3 of instructions)

1. Name and address of officer	2. Official title (abbreviate)	3. Time devoted to business	4. Percentage of corporation's stock owned: Common	5. Preferred	6. Amount of compensation	7. Expense account allowances
Abraham Weisinger, 161 W. 54 St., NYC	Pres.	All	50%		22,800.00	
Seymour L. Peterman 58 Farrow St., NYC	Secy.-Treas	All	50%		19,800.00	
Joseph Peterman, 291 Beach 15 St., Far Rockaway, NY	Asst. Secy.	Part	None		1,200.00	
Total compensation of officers (enter here and on line 12, page 1)					43,800.00	x x x x x x x

Schedule F.—BAD DEBTS. (See Instruction 15)

1. Taxable year	2. Notes and accounts receivable outstanding at end of year	3. Sales on account	4. Gross amount added to reserve	5. Amount charged against reserve	6. Reserve for bad debts at end of year
1959					
1960					
1961					
1962					

NOTE Securities which are capital assets and which became worthless within the taxable year should be reported in separate Schedule D (Form 1120-S)

Schedule G.—TAXES. (See Instruction 17)

Explanation	Amount
Total (enter here and on line 17, page 1)	

Schedule H.—CONTRIBUTIONS OR GIFTS PAID (See Instruction 19)

Name and address of organization	Amount
Contributions carryover (see instructions)	
Total contributions (enter here and on line 19, page 1, subject to 5 percent limitation)	

Schedule I.—DEPRECIATION. (See Instruction 22 and Summary on Page 3)

This schedule is designed for taxpayers using the new guidelines and administrative procedures described in Revenue Procedure 62-21 as well as for those taxpayers who wish to continue using previously authorized procedures. Where double headings appear use the first heading for the new procedure and the second heading for the older procedure. Reduce the basis of property which qualifies for the investment credit by 7 percent of the qualified investment. (3 percent for public utilities.)

1. Group and guideline class —OR— Description of property	2. Cost or other basis at beginning of year —OR— Cost or other basis	3. Asset additions in year (amount) —OR— Date acquired	4. Asset retirements in year (amount) (applicable only to Rev. Proc. 62-21)	5. Depreciation allowed or allowable in prior years	6. Method of computing depreciation	7. Class life —OR— Rate (%) or life	8. Depreciation for this year
		Schedule attached					
1. Totals							
2. Less: Amount of depreciation claimed in Schedule A and elsewhere on return							
3. Balance—Enter here and on line 22, page 1							
4. Cost or other basis of fully depreciated assets still in use							

84—11311 8

DEPRECIATION SCHEDULE

#13-1369100

NAME Taxi Weekly, Inc

ADDRESS 141 West 54 Street, New York N/

Taxable Year Ended 3/31/63

1. KIND OF PROPERTY (If buildings, state material of which constructed). Exclude land and other nondepreciable property	2. Date acquired	3. Cost or other basis	4. Depreciation allowed (or allowable) in prior years	5. Method of computing depreciation	6. Rate (%) or life (years)	7. Depreciation for this year	
Furniture and Fixtures	1952	124 71	118 47	S.L.	10 yrs	6 24	1
" "	1953	178 85	155 92	"	"	17 89	2
" "	1954	56 65	42 51	"	"	5 67	3
" "	1957	2 120 68	1 1 166 36	"	"	21 207	4
" "	1958	298 93	119 56	"	"	29 89	5
Machinery	1956	303 00	207 30	"	"	30 30	6
Leasehold Improvements	1-1-61	2 349 37	587 34	"	5 yrs	469 87	7
Equipment	1961	62 91	3 15	"	10 yrs	6 29	8
							9
							10
							11
							12
							13
							14
							15
							16
							17
							18
							19
							20
							21
TOTAL						778 22	

CYPRESS NO. 410

EXPRESS 7L0

1518a

13-1369100

TOTAL WEEKLY, INC
161 WEST 54 ST.
NEW YORK, NY.

YEAR ENDED 3/31/65

OTHER DEDUCTIONS:

ADVERTISING, COMMISSIONS	94,385
DISCOUNTS	1,787
POSTAGE AND METER RENTAL	8,454
SUPPLIES	4,246
TRAVEL AND ENTERTAINMENT	51,791
LEGAL & ACCOUNTING	12,000
TELEPHONE AND TELEGRAPH	10,597
CHRISTMAS GIFTS AND EXPENSES	831
TRUCKING	5,487
AUDIT BUREAU OF CIRCULATION	3,482
MAILING LISTS	2,230
REPAIRS AND MAINTENANCE	2,100
STATIONERY AND PRINTING	8,612
ELECTRICITY	1,412
HOSPITALIZATION	4,878
GENERAL EXPENSE	1,962
BANK CHARGES	600
AUTO EXPENSE	5,096
INSURANCE	2,987
COLLECTION EXPENSE	102
ADVERTISING AND PROMOTIONAL EXPENSE	3,111
DUES AND SUBSCRIPTIONS	760
LOSS ON ABANDONMENT OF AUTO	231
TOTAL	341,647

1519 a

13.13.9100

TDI Weekly Inc
121 West 54 ST
New York NY

Year Ended 3/31/63

Cost of Operations

Printing	298.964
Paper	39.9.531
Stories and Correspondents - Free Lance	20496
Legal Advertising Expense	81436
Cuts and Art Work	109453
Salaries	75589.00
Total	930945.0

Taxes:

Social Security	92423
N.Y.S. Unemployment Insurance	55863
N.Y.S. Franchise Taxes	4.1624
N.Y.S. Disability Benefits	3.5101
N.Y. City Gross Receipts Tax	729.41
N.Y. City Occupancy Tax	6.00
Federal Unemployment Ins Tax	1.7184
Total	29632.8

Other Costs

Loans & Exchanges	13100	21225
Security & Guards	37000	37000
Sundry & Petty Charges	44763	32128
Total	94863	90413

Other Current Liabilities

Advance Payments	500000	100000
Payroll Deductions Taxes	94000	114700
Sundry Accrued Expenses	24150.7	199107
Payroll Taxes	246495	268202
Total	1284657	1281909

SUMMARY OF DEPRECIATION AND AMORTIZATION SCHEDULES

DEPRECIATION	UNDER REV. PROC. 62-21	OTHER
1. Straight line method		
2. Declining balance method		
3. Sum of the years-digits method		
4. Based on units of production		
5. Additional 1st-year (Sec. 179)		
6. Other methods		
7. Total depreciation claimed		

AMORTIZATION	
1. Emergency facilities	
2. Research or experimental	
3. Exploration and development	
4. Organizational	
5. Trademark and trade name	
6. Total amortization claimed	

Schedule J.—OTHER DEDUCTIONS. (See General Instruction L and Specific Instruction 28)

		Total (enter here and on line 26, page 1)	

Schedule K.—SHAREHOLDER'S SHARE OF INCOME. (See page 3 of the instructions)

Computation of Corporation's Undistributed Taxable Income

1. Taxable income (from line 28, page 1)	169.05
2. Less: Money distributed as dividends out of earnings and profits of the taxable year	-0-
3. Corporation's undistributed taxable income	169.05

Schedule of Distribution and Income

	1. Name and address of each shareholder. (If return of shareholder is filed in another internal revenue district, specify district)	Social security number	2. Stock ownership: Number of shares	Period held: From	Period held: To
(a)	Abraham Weisinger, 161 W. 54 St., N.Y.C.	114-07-2863	2 1/2	4/1/62	3/31/63
(b)	Seymour L. Peterman, 53 Parrow St., N.Y.C.	030-24-4030	2 1/2	4/1/62	3/31/63
(c)					
(d)					
(e)					
Totals		xxxxxxxxxx	xxxxx	xxxxxx	xxxxxx

Continuation of Schedule of Distribution and Income

	3. Percentage of time devoted to business	4. Compensation	5. Dividends: Dates	5. Dividends: Amounts	6. Share of undistributed taxable income or net operating loss	7. Share of long-term capital gain	8. Dividends entitled to exclusions and credit	9. Amount taxable as ordinary income	10. Nondividend distributions: Date	10. Nondividend distributions: Amount
(a)	All	22,800.00			84.98			84.98		
(b)	All	19,800.00			84.97			84.97		
(c)										
(d)										
(e)										
Totals	xxxx		xxxxxx		169.95			169.95	xxxxxx	

F. Date incorporated 3/22/45

G. Did the corporation derive more than 80% of its gross receipts from sources outside the United States? ☐ Yes ☒ No.
Did the corporation derive more than 20% of its gross receipts from royalties, rents, dividends, interest, annuities, and sales or exchanges of stock or securities (gross receipts from sales or exchanges being taken into account for purposes of this question only to the extent of gains therefrom) ☐ Yes ☒ No.

H. Did the corporation during the taxable year have any contracts or subcontracts subject to the Renegotiation Act of 1951? ☐ Yes ☐ No.
If "Yes," enter the aggregate gross dollar amount billed during the year.

I. Amount of income (or loss) for: 1959 $ 652.97; 1960 $ 10,658.91; 1961 $ 304.24

J. Refer to page 4 of instructions and state the:
Principal business activity Trade Publications
Principal product or service

K. Did you claim a deduction for expenses connected with: (If answer to any question is "Yes," check applicable boxes within that question.)
(1) A hunting lodge ☐, working ranch or farm ☐, fishing camp ☐, resort property ☐, pleasure boat or yacht ☐, or other similar facility ☐? (Other than where the operation of the facility was the principal business.) Yes ☐ No ☒
(2) The leasing, renting, or ownership of a hotel room or suite ☐, apartment ☐, or other dwelling ☐, which was used by customers or employees or members of their families? (Other than use by employees while in business travel status.) Yes ☐ No ☒
(3) The attendance of your employees' families at conventions or business meetings? Yes ☐ No ☒
(4) Vacations for employees or members of their families? (Other than vacation pay reported on Form W-2.) Yes ☐ No ☒

16—77567-1

Schedule L.—BALANCE SHEETS. (See Instructions)

ASSETS	Beginning of taxable year Amount	Beginning of taxable year Total	End of taxable year Amount	End of taxable year Total
1. Cash		2,326.05		2,435.40
2. Notes and accounts receivable	16,986.83		17,046.58	
(a) Less: Reserve for bad debts		16,986.83		17,046.58
3. Inventories				
4. Investments in Government obligations				
5. Other current assets (attach schedule)				
6. Loans to shareholders				
7. Other investments (attach schedule)				
8. Buildings and other fixed depreciable assets	9,812.07		7,532.07	
(a) Less: Accumulated amortization and depreciation	6,100.58	3,711.49	4,799.80	2,732.27
9. Depletable assets				
(a) Less: Accumulated depletion				
10. Land (net of any amortization)				
11. Intangible assets (amortizable only)				
(a) Less: Accumulated amortization				
12. Other assets (attach schedule)		948.09		904.13
13. Total assets		24,002.46		23,118.38
LIABILITIES AND CAPITAL				
14. Accounts payable		1,482.13		1,436.03
15. Mortgages, notes, and bonds payable in less than 1 year				
16. Other current liabilities (attach schedule)		10,828.02		9,820.09
17. Loans from shareholders				
18. Mortgages, notes, and bonds payable in 1 year or more				
19. Other liabilities (attach schedule)				
20. Capital stock		300.00		300.00
21. Paid-in or capital surplus				
22. Surplus reserves (attach schedule)				
23. Earned surplus and undivided profits accumulated		10,857.07		10,857.07
24. Shareholders' undistributed taxable income		535.24		705.19
25. Total liabilities and capital		24,002.46		23,118.38

Schedule M.—RECONCILIATION OF TAXABLE INCOME

1. Income from books	169.95	Nontaxable income and allowable deductions not recorded on books:	
Add: Nondeductible items—		9. Nontaxable interest	
2. Contributions in excess of 5% limitation			
3. Insurance premiums paid on the life of any officer or employee where the corporation is directly or indirectly a beneficiary		10. Other nontaxable income	
4. Unallowable interest expense			
5. Excess of capital losses over capital gains		11. Adjustment for tax purposes	
6. Adjustment for tax purposes not recorded on books			
7. Other		12. Other	
8. Total of lines 1 through 7	169.95	13. Total of lines 9 through 12	-0-
		14. Taxable income (line 8 minus 13)	169.95

☆ U.S. GOVERNMENT PRINTING OFFICE: 1962—O-646618 GPO 964051 16—77337-1

Defendants' Exhibit F 1522 a

FORM **1120-S**

U.S. Treasury Department
Internal Revenue Service

U.S. SMALL BUSINESS CORPORATION RETURN OF INCOME

FOR CALENDAR YEAR 1963

or other taxable year beginning April 1, , 1963,
and ending March 31, , 1964

1963

A. Date of election as small business corporation: Nov. 20, 1958

B. Business Code No. (See page 4 of instructions.): 2712 Trade Publications

PLEASE TYPE OR PRINT

Name: Taxi Weekly, Inc.

Number and street: 161 West 54th Street

City or town and State: New York 17, N.Y. Postal ZIP code

C. Total assets from line 13 Sch. L (See instruction N): 25,256.03

D. County in which located: New York

E. Employer identification number: 13-1369100

COPY
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2 mmon 2/6/67

IMPORTANT.—All applicable lines and schedules must be filled in. If the lines on the schedules are not sufficient, see instruction M.

GROSS INCOME	1. Gross receipts or gross sales ..... Less: Returns and allowances	153,219.90 45,941.89
	2. Less: Cost of goods sold (Schedule A) and/or operations (attach schedule)	107,278.01
	3. Gross profit	
	4. Dividends	
	5. Interest on obligations of the United States and U.S. instrumentalities	
	6. Other interest	
	7. Rents	
	8. Royalties	
	9. Gains and losses (from separate Schedule D (Form 1120-S))	
	(a) Net short-term capital gain reduced by any net long-term capital loss	
	(b) Net long-term capital gain reduced by any net short-term capital loss	
	(c) Net gain (loss) from sale or exchange of property other than capital assets	
	10. Other income (attach schedule)	107,278.01
	11. Total income, lines 3 to 10, inclusive	98,922.00
DEDUCTIONS	12. Compensation of officers (Schedule E)	10,618.53
	13. Salaries and wages (not deducted elsewhere)	
	14. Repairs (do not include cost of improvements or capital expenditures)	598.06
	15. Bad debts (from Schedule F if reserve method is used)	3,000.00
	16. Rents Schedule Attached	2,949.78
	17. Taxes (Schedule G)	
	18. Interest	
	19. Contributions or gifts paid (Schedule H)	
	20. Losses by fire, storm, shipwreck, or other casualty, or theft (attach schedule)	
	21. Amortization (attach schedule)	
	22. Depreciation (Schedule I) Schedule Attached	759.13
	23. Depletion (attach schedule)	
	24. Advertising	
	25. (a) Pension, profit-sharing, stock bonus, annuity plans (see instructions)	
	(b) Other employee benefit plans (see instructions) Schedule Attached	32,262.62
	26. Other deductions (Schedule J)	101,108.10
	27. Total deductions in lines 12 to 26, inclusive	6,169.91
	28. Taxable income, line 11 less line 27	

SIGNATURE AND VERIFICATION. (See Instruction F)

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete. If prepared by a person other than taxpayer, his declaration is based on all information of which he has any knowledge.

COPY

CORPORATE SEAL

Date ..... Signature of officer ..... Title .....

Date ..... Individual or firm signature of preparer ..... Address .....

Schedule A.—COST OF GOODS SOLD. (See Instruction 2)
(Where inventories are an income-determining factor)

1. Inventory at beginning of year	
2. Merchandise bought for manufacture or sale	
3. Salaries and wages	
4. Other costs per books (attach schedule)	
5. Total	
6. Less: Inventory at end of year	
7. Cost of goods sold (enter here and on line 2, page 1)	

1. Was inventory valued at—Cost ☐; lower of cost or market ☐; LIFO ☐; other ☐? If other, attach explanation.
2. Have write-downs been made to inventory? Yes ☐ No ☐. If yes, were the write-downs computed on the basis of:
   (a) ☐ Percentage reductions from parts of the inventory
   (b) ☐ Percentage reductions from the total inventory
   (c) ☐ Valuation of individual items.
   If "a" or "b" is checked, enter the percentage of write-downs .....%. For "a," "b," or "c" enter the dollar amount of write-downs $..... (If not available, estimate and indicate that the figure is an estimate.)
3. Was the inventory verified by physical count during the year? Yes ☐ No ☐. If "No," attach explanation of how the closing inventory was determined.
4. Was there any substantial change in the manner of determining quantities, costs or valuations between the opening and closing inventories? Yes ☐ No ☐. If "Yes," attach explanation.

NOTE: If a direct answer cannot be given to a question, attach explanation.

Schedule D.—Separate Schedule D (Form 1120-S) should be used in reporting sales or exchanges of property. (See Instruction 9)

Schedule E.—COMPENSATION OF OFFICERS. (See page 3 of instructions)

1. Name and address of officer	2. Official title (abbreviate)	3. Time devoted to business	Percentage of corporation's stock owned 4. Common	5. Preferred	6. Amount of compensation	7. Expense account allowances
Abraham Weisinger, 161 W. 54 St., N.Y.C.	Pres.	All	50%		25,360.00	
Seymour Peterman, 58 Barrow St., N.Y.C.	Secy.-Tr.	All	50%		24,360.00	
Joseph Peterman, 291 Beach 15 St., Far Rockeway, N.Y.	Asst. Secy	Part	None		1,200.00	
Total compensation of officers (enter here and on line 12, page 1)					50,920.00	x x x x x x x

Schedule F.—BAD DEBTS—RESERVE METHOD. (See Instruction 15)

1. Taxable year	2. Trade notes and accounts receivable outstanding at end of year	3. Sales on account	4. Gross amount added to reserve	5. Amount charged against reserve	6. Reserve for bad debts at end of year
1960					
1961					
1962					
1963					

NOTE: Securities which are capital assets and which become worthless within the taxable year should be reported in separate Schedule D (Form 1120-S)

Schedule G.—TAXES. (See Instruction 17)

Explanation	Amount
Total (enter here and on line 17, page 1)	

Schedule H.—CONTRIBUTIONS OR GIFTS PAID (See Instruction 19)

Name and address of organization	Amount
Contributions carryover (see instructions)	
Total contributions (enter here and on line 19, page 1, subject to 5 percent limitation)	

Schedule I.—DEPRECIATION. (See Instruction 22 and Summary on Page 3)

This schedule is designed for taxpayers using the alternative guidelines and administrative procedures described in Revenue Procedure 62-21 as well as for those taxpayers who wish to continue using procedures authorized prior to the Revenue Procedure. Where double headings appear use the first heading for the new procedure and the second heading for the older procedure. Reduce the basis of property which qualifies for the investment credit by 7 percent of the qualified investment. (3 percent for public utilities.)

1. Group and guideline class —OR— Description of property	2. Cost or other basis at beginning of year —OR— Cost or other basis	3. Asset additions in year (amount) —OR— Date acquired	4. Asset retirements in year (amount) (applicable only to Rev. Proc. 62-21)	5. Depreciation allowed or allowable in prior years	6. Method of computing depreciation	7. Class life —OR— Rate (%) or life	8. Depreciation for this year
		Schedule attached					
1. Totals							
2. Less: Amount of depreciation claimed in Schedule A and elsewhere on return							
3. Balance—Enter here and on line 22, page 1							
4. Cost or other basis of fully depreciated assets still in use							

NAME [illegible]

ADDRESS 161 West 54 Street, New York, NY

Taxable Year Ended 3/31/64

	1. KIND OF PROPERTY (If buildings, state material of which constructed). Exclude land and other nondepreciable property	2. Date acquired	3. Cost or other basis	4. Depreciation allowed (or allowable) in prior years	5. Method of computing depreciation	6. Rate (%) or life (years)	7. Depreciation for this year
1	Furniture and Fixtures	1953	178 85	173 81	S.L	10 YRS	5 04
2	" "	1954	56 65	48 18	"	"	5 67
3	" "	1957	2 120 68	1 378 45	"	"	212 07
4	" "	1958	298 93	149 45	"	"	29 89
5	Machinery	1956	303 00	237 60	"	"	30 30
6	Leasehold Improvements	1-1-61	2 349 37	1 057 21	"	5 YRS	469 27
7	Equipment	1961	62 91	9 44	"	10 YRS	6 29
8	Camera	3-27-64	124 75	-0-	"	3 YRS	-0-
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21	TOTAL						759 13

CYPRESS NO. 410

1524 a.

1524A

1525 a

NAME Toll Weekly, Inc.

ADDRESS 161 West 54 St
New York, N.Y.

Taxable Year Ended 3/31/64

Cost of Operations				
Printing	33274	09		
Paper	2479	95		
Stories and Correspondents - Free Lance	117	50		
Legal Advertising Expense	525	50		
Cuts and Art Work	1045	85		
Salaries	8505	00		
Total	45941	89		
Taxes:				
Social Security	996	67		
N.Y.S. Unemployment Insurance	466	44		
N.Y.S. Franchise Taxes	745	34		
N.Y.S. Disability Benefits	90	10		
N.Y. City Gross Receipts Tax	539	41		
N.Y. City Occupancy Tax	6	00		
Federal Unemployment Ins Tax	100	80		
N.Y. City Profit Tax	125	00		
Total	2949	76		
Other Assets:	Beginning of Year		End of Year	
Loans & Exchanges	212	25	47	76
Security Deposits	370	00	370	00
Sundry Deferred Charges	321	88	27	50
Total	904	13	445	26
Other Current Liabilities				
Accrued Payroll	1000	00	256	92
Prepaid Circulation Income	4147	00	2730	00
Sundry Accrued Expenses	1991	07	1748	66
Payroll Taxes	268	07	897	56
Total	9820	07	5633	14

NAME Tan Weekly, Inc

ADDRESS 161 West 54 St
New York, NY

Taxable Year Ended 3/31/64

OTHER DEDUCTIONS				
Advertising Commissions	10561	85		
Discounts	1748	98		
Postage and Meter Rental	7211	13		
Supplies	603	61		
Travel and Entertainment	4475	75		
Accounting	1100	00		
Telephone and Telegraph	907	62		
Christmas Gifts and Expenses	539	16		
Trucking	464	50		
Mailing Lists	266	41		
Repairs and Maintenance	140	50		
Staticnery and Printing	237	86		
Electricity	138	43		
Hospitalization	574	44		
General Expense	2122	16		
Bank Charges	45	87		
Auto Expense	451	63		
Insurance	368	50		
Collection Expense	10	50		
Advertising and Promotional Expense	247	50		
Dues and Subscriptions	46	72		
TOTAL	32262	62		

SUMMARY OF DEPRECIATION AND AMORTIZATION SCHEDULES

DEPRECIATION	UNDER REV. PROC. 62-21	OTHER	AMORTIZATION	
1. Straight line method		759.13	1. Emergency facilities	
2. Declining balance method			2. Research or experimental	
3. Sum of the years-digits method			3. Exploration and development	
4. Based on units of production			4. Organizational	
5. Additional 1st-year (Sec. 179)			5. Trademark and trade name	
6. Other (specify)			6. Other (specify)	
7. Total depreciation claimed		759.13	7. Total amortization claimed	

Schedule J.—OTHER DEDUCTIONS. (See General Instruction L and Specific Instruction 26)

	Schedule attached		
		Total (enter here and on line 26, page 1)	

Schedule K.—SHAREHOLDER'S SHARE OF INCOME. (See page 3 of the Instructions)

Computation of Corporation's Undistributed Taxable Income

1. Taxable income (from line 28, page 1)	6,169.91
2. Less: Money distributed as dividends out of earnings and profits of the taxable year	
3. Corporation's undistributed taxable income	6,169.91

Schedule of Distribution and Income

1. Name and address of each shareholder. (If return of shareholder is filed in another Internal Revenue District, specify district)	Social security number	2. Stock ownership: Number of shares	Period held: From	To
(a) Abraham Waininger, 161 W. 54 St., N.Y.C.	114-05-2863	2½	4/1/63	3/31/64
(b) Seymour L. Paterman, 58 Barrow St., N.Y.C.	080-24-4080	2½	4/1/63	3/31/64
(c)				
(d)				
(e)				
Totals	xxxxxxxxxxx	xxxxx	xxxxxx	xxxxxx

Continuation of Schedule of Distribution and Income

	3. Percentage of time devoted to business	4. Compensation	5. Dividends: Dates	5. Dividends: Amounts	6. Share of undistributed taxable income or net operating loss	7. Share of long-term capital gain	8. Dividends entitled to exclusions and credit	9. Amount taxable as ordinary income	10. Nondividend distributions: Date	10. Nondividend distributions: Amount
(a)	All	25,360.00			3,084.95			3,084.95		
(b)	All	24,360.00			3,084.96			3,084.96		
(c)										
(d)										
(e)										
Totals	xxxx	49,720.00	xxxxxx		6,169.91			6,169.91	xxxxxx	

F. Date incorporated 3/22/45

G. Did the corporation at the end of the taxable year own directly or indirectly 50 percent or more of the voting stock of a domestic corporation? Yes ☐ No ☒ (For rules of attribution, see section 267(c)).
If the answer is "Yes," attach separate schedule showing: (a) name, address and employer identification No. and (b) percentage owned.

H. Did the corporation derive more than 80% of its gross receipts from sources outside the United States? ☐ Yes ☒ No.
Did the corporation derive more than 20% of its gross receipts from royalties, rents, dividends, interest, annuities, and sales or exchanges of stock or securities (gross receipts from sales or exchanges being taken into account for purposes of this question only to the extent of gains therefrom) ☐ Yes ☒ No.

I. Did the corporation during the taxable year have any contracts or subcontracts subject to the Renegotiation Act of 1951? ☐ Yes ☐ No.
If "Yes," enter the aggregate gross dollar amount billed during the year. $

J. Amount of income (or loss) for: 1960 $ 10,050.91; 1961 $ 304.24; 1962 $ 169.95

K. Refer to page 4 of instructions and state the:
Principal business activity Trade Publicati
Principal product or service

L. Did you claim a deduction for expenses connected with: (If answer to any question is "Yes," check applicable boxes within that question.)
(1) A hunting lodge ☐, working ranch or farm ☐, fishing camp ☐, resort property ☐, pleasure boat or yacht ☐, or other similar facility ☐? (Other than where the operation of the facility was the principal business.) Yes ☐ No ☒
(2) The leasing, renting, or ownership of a hotel room or suite ☐, apartment ☐, or other dwelling ☐, which was used by customers or employees or members of their families? (Other than use by employees while in business travel status.) Yes ☐ No ☒
(3) The attendance of your employees' families at conventions or business meetings? Yes ☐ No ☒
(4) Vacations for employees or members of their families? (Other than vacation pay reported on Form W-2.) Yes ☐ No ☒

Schedule L.—BALANCE SHEETS. (See Instructions)

ASSETS	Beginning of taxable year Amount	Beginning of taxable year Total	End of taxable year Amount	End of taxable year Total
1. Cash		2,435.40		3,255.25
2. Notes and accounts receivable	17,046.58		19,457.63	
(a) Less: Reserve for bad debts		17,046.58		19,457.63
3. Inventories				
4. Investments in Government obligations				
5. Other current assets (attach schedule)				
6. Loans to shareholders				
7. Other investments (attach schedule)	7,532.07		7,656.82	
8. Buildings and other fixed depreciable assets				
(a) Less: Accumulated amortization and depreciation	4,799.80	2,732.27	5,558.93	2,097.89
9. Depletable assets				
(a) Less: Accumulated depletion				
10. Land (net of any amortization)				
11. Intangible assets (amortizable only)				
(a) Less: Accumulated amortization		904.13		445.26
12. Other assets (attach schedule)		23,118.38		25,256.03
13. Total assets				
LIABILITIES AND CAPITAL				
14. Accounts payable		1,436.03		1,590.22
15. Mortgages, notes, and bonds payable in less than 1 year		9,820.09		5,633.14
16. Other current liabilities (attach schedule)				
17. Loans from shareholders				
18. Mortgages, notes, and bonds payable in 1 year or more				
19. Other liabilities (attach schedule)				
20. Capital stock		300.00		300.00
21. Paid-in or capital surplus				
22. Surplus reserves (attach schedule)				
23. Earned surplus and undivided profits accumulated		10,857.07		10,857.07
24. Shareholders' undistributed taxable income		705.19		6,875.10
25. Total liabilities and capital		23,118.38		25,256.03

Schedule M.—RECONCILIATION OF TAXABLE INCOME

1. Net income per books	6,169.91	9. Income recorded on books this year not included in this return (itemize)	
2. Contributions in excess of 5% limitation			
3. Insurance premiums paid on the life of any officer or employee where the corporation is directly or indirectly a beneficiary			
4. Unallowable interest expense			
5. Excess of capital losses over capital gains			
6. Taxable income not recorded on books this year (itemize)		10. Deductions in this tax return not charged against book income this year (itemize)	
7. Expenses recorded on books this year not deducted in this return (itemize)			
		11. Total of lines 9 and 10	-0-
8. Total of lines 1 through 7	6,169.91	12. Taxable income (line 8 minus 11)	6,169.91

☆U.S. GOVERNMENT PRINTING OFFICE: 1963—O-693-567

Defendants' Exhibit G

1529 a

COPY

U.S. SMALL BUSINESS CORPORATION RETURN OF INCOME

FOR CALENDAR YEAR 1964

FORM **1120-S**

U.S. Treasury Department
Internal Revenue Service

or other taxable year beginning April 1, 1964, and ending March 31, 19 65

1964

Defs Ex M-1
6-16-67
KVR

PLEASE TYPE OR PRINT

Name: Taxi Weekly, Inc.

Number and street: 161 West 54 Street

City, town, State, and Postal ZIP code: New York, N.Y. 10019

A. Date of election as small business corporation: Nov. 20, 1958

B. Business Code No. (See page 4 of instructions.): 2712 Trade Publications

C. Total assets from line 13 Sch. L (See instruction N): $22,174.06

D. County in which located: New York

E. Employer identification number: 13-1369100

IMPORTANT—All applicable lines and schedules must be filled in. If the lines on the schedules are not sufficient, see instruction M.

GROSS INCOME	1. Gross receipts or gross sales ..... Less: Returns and allowances Schedule 1 Att.	105,940.26 41,788.60
	2. Less: Cost of goods sold (Schedule A) and/or operations (attach schedule)	64,151.66
	3. Gross profit	
	4. Dividends	
	5. Interest on obligations of the United States and U.S. instrumentalities	
	6. Other interest	
	7. Rents	
	8. Royalties	
	9. Gains and losses from separate Schedule D, Form 1120-S	
	(a) Net short-term capital gain reduced by any net long-term capital loss	
	(b) Net long-term capital gain reduced by any net short-term capital loss	
	(c) Net gain (loss) from sale or exchange of property other than capital assets	
	10. Other income (attach schedule)	64,151.66
	11. Total income, lines 3 through 10	22,130.00
DEDUCTIONS	12. Compensation of officers (Schedule E)	8,455.36
	13. Salaries and wages (not deducted elsewhere)	
	14. Repairs (do not include cost of improvements or capital expenditures)	1,163.64
	15. Bad debts (from Schedule F if reserve method is used)	3,000.00
	16. Rents	2,116.16
	17. Taxes (Schedule G) Schedule 2 Attached	
	18. Interest	
	19. Contributions or gifts paid (Schedule H)	
	20. Losses by fire, storm, shipwreck, or other casualty, or theft (attach schedule)	
	21. Amortization (attach schedule) Schedule 3 Attached	792.80
	22. Depreciation (Schedule I)	
	23. Depletion (attach schedule)	
	24. Advertising	
	25. (a) Pension, profit-sharing, stock bonus, annuity plans (see instructions)	
	(b) Other employee benefit plans (see instructions) Schedule 1 Attached	23,593.82
	26. Other deductions (Schedule J)	61,251.78
	27. Total deductions in lines 12 through 26	2,899.88
	28. Taxable income, line 11 less line 27	

SIGNATURE AND VERIFICATION (See instruction Z)

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete. If prepared by a person other than taxpayer, his declaration is based on all information of which he has any knowledge.

CORPORATE SEAL

Date ..... Signature of officer COPY ..... Title .....

Date ..... Individual or firm signature of preparer ..... Address .....

16—78068-1

Schedule A.— COST OF GOODS SOLD (See instruction 2)
(Where inventories are an income-determining factor)

1. Inventory at beginning of year	
2. Merchandise bought for manufacture or sale	
3. Salaries and wages	
4. Other costs per books (attach schedule)	
5. Total	
6. Less: Inventory at end of year	
7. Cost of goods sold (enter here and on line 2, page 1)	

1. Was inventory valued at—Cost ☐; lower of cost or market ☐; LIFO ☐; other ☐? If other, attach explanation.
2. Have write-downs been made to inventory? Yes ☐ No ☐. If "Yes," were the write-downs computed on the basis of:
   (a) ☐ Percentage reductions from parts of the inventory
   (b) ☐ Percentage reductions from the total inventory
   (c) ☐ Valuation of individual items.
   If "a" or "b" is checked, enter the percentage of write-downs _____%. For "a," "b," or "c" enter the dollar amount of write-downs $_____ (If not available, estimate and indicate that the figure is an estimate.)
3. Was the inventory verified by physical count during the year? Yes ☐ No ☐. If "No," attach explanation of how the closing inventory was determined.
4. Was there any substantial change in the manner of determining quantities, costs or valuations between the opening and closing inventories? Yes ☐ No ☐. If "Yes," attach explanation.

NOTE: If a direct answer cannot be given to a question, attach explanation.

Schedule D.—Separate Schedule D (Form 1120-S) should be used in reporting sales or exchanges of property (See instruction 9)

Schedule E.—COMPENSATION OF OFFICERS (See page 3 of instructions)

1. Name and address of officer	2. Official title	3. Time devoted to business	4. Percentage of corporation's stock owned: Common	5. Preferred	6. Amount of compensation	7. Expense account allowances
Seymour Peterman 58 Barrow St., New York, N.Y.		All			12,390.00	
Abraham Weisinger Box 752, Montauk, L.I.		All			3,540.00	
Joseph Peterman 291 Beach 15 St., Far Rockaway, NY		Part			1,200.00	
Total compensation of officers (enter here and on line 12, page 1)					22,130.00	

Schedule F.—BAD DEBTS—RESERVE METHOD (See instruction 15)

1. Taxable year	2. Trade notes and accounts receivable outstanding at end of year	3. Sales on account	4. Gross amount added to reserve	5. Amount charged against reserve	6. Reserve for bad debts at end of year
1961					
1962					
1963					
1964					

NOTE: Securities which are capital assets and which became worthless within the taxable year should be reported in separate Schedule D, Form 1120-S.

Schedule G.—TAXES (See instruction 17)

Explanation	Amount
Total (enter here and on line 17, page 1)	

Schedule H.—CONTRIBUTIONS OR GIFTS PAID (See instruction 19)

Name and address of organization	Amount
Contributions carryover (see instructions)	
Total contributions (enter here and on line 19, page 1, subject to 5 percent limitation)	

Schedule I.—DEPRECIATION (See instruction 22)

This schedule is designed for taxpayers using the alternative guidelines and administrative procedures described in Revenue Procedure 62-21 as well as for those taxpayers who wish to continue using procedures authorized prior to the Revenue Procedure. Where double headings appear use the first heading for the new procedure and the second heading for the older procedure.

1. Group and guideline class —OR— Description of property	2. Cost or other basis at beginning of year —OR— Cost or other basis	3. Asset additions in year (amount) —OR— Date acquired	4. Asset retirements in year (amount) (applicable only to Rev. Proc. 62-21)	5. Depreciation allowed or allowable in prior years	6. Method of computing depreciation	7. Class life —OR— Rate (%) or life	8. Depreciation for this year
1. Total additional first-year depreciation (do not include in items below)							
2. Totals							
3. Less: Amount of depreciation claimed in Schedule A and elsewhere on return							
4. Balance—Enter here and on line 22, page 1							
5. Cost or other basis of fully depreciated assets still in use							

TAXI WEEKLY, INC.
161 W. 54 St., N.Y., N.Y.

SCHEDULES - FORM 1120-S
FISCAL YEAR ENDED MARCH 31, 1965

COST OF OPERATIONS - SCHEDULE 1	
Printing	$29,524.81
Paper	3,612.20
Stories and Correspondence - Free lance	173.50
Cuts and Art Work	628.09
Salaries	7,850.00
TOTAL - TO PAGE 1 - LINE 2	$41,788.60

TAXES - SCHEDULE 2	
Social Security	$ 738.80
N.Y.S. Unemployment Insurance	479.51
N.Y.S. Franchise	169.45
N.Y.S. Disability Benefits	25.77
N.Y. City Gross Receipts	504.45
N.Y. City Occupancy	6.00
N.Y. City Commercial Rent	150.00
Federal Unemployment Insurance	42.18
TOTAL TO PAGE 1 - LINE 17	$2,116.16

DEPRECIATION SCHEDULE

NAME Taxi Weekly, Inc.

Taxable Year Ended 3-31-65

ADDRESS 161 West 54 Street, New York, N.Y.

1. Group and guideline class — OR — Description of property	2. Cost or other basis at beginning of year — OR — Cost or other basis	3. Asset additions in year (amount) — OR — Date acquired	4. Asset retirements in year (amount) (applicable only to Rev. Proc. 62-21)	5. Depreciation allowed or allowable in prior years	6. Method of computing depreciation	7. Class life — OR — Rate (%) or life	8. Depreciation for this year	
Furniture & Fixtures	56 65	1954		53 85	S.L.	10yrs	2 80	1
Furniture & Fixtures	2 120 68	1957		1 590 52	"	"	212 07	2
Furniture & Fixtures	298 93	1958		179 34	"	"	29 89	3
Machinery	303 00	1955		267 90	"	10yrs	30 30	4
Leasehold Improvements	2 349 37	1-1-61		1 527 08	"	5yrs	469 87	5
Equipment	62 91	1961		15 73	"	10yrs	6 29	6
Camara	124 75	3-27-64		-0-	"	3yrs	41 58	7
								8
TOTAL							792 80	9
								10
								11
								12
								13
								14
								15
								16
								17
								18
								19
								20
								21
TOTAL								

CYPRESS NO. 418

15329

TAXI WEEKLY, INC.
161 W. 54 St., NLY., N.Y.

SCHEDULES - FORM 1120-S
FISCAL YEAR ENDED MARCH 31, 1965

OTHER DEDUCTIONS - SCHEDULE 4	
Advertising Commissions	$ 9,969.51
Discounts	2,055.99
Postage and Meter Rental	4,337.58
Supplies	192.21
Travel and Entertainment	715.50
Legal and Accounting	2,249.98
Telephone and Telegraph	971.57
Christmas Gifts and Expense	171.90
Trucking	422.16
Mailing Lists	109.56
Repairs and Maintenance	88.08
Stationary and Printing	85.93
Electricity	186.94
Employees Hospitalization	446.10
General Expense	543.33
Bank Charges	8.25
Auto Expense	176.23
Insurance	304.90
Advertising and Promotion Expense	159.25
Dues and Subscriptions	59.35
Help Wanted Advertising	339.50
TOTAL TO PAGE 1 - LINE 26	$23,553.82

OTHER ASSETS - SCHEDULE 5	Beginning of Year	End of Year
Loans and Exchanges	$ 47.76	$ 72.53
Security Deposits	370.00	370.00
Sundry Deferred Charges	27.50	1,089.85
TOTAL TO PAGE 4 - LINE 12	$445.26	$1,532.38

OTHER CURRENT LIABILITIES - SCHEDULE 6		
Accrued Payroll	$ 256.92	$ 73.38
Prepaid Circulation Income	2,730.00	1,815.00
Sundry Accrued Expenses	1,748.66	1,203.11
Payroll Taxes	897.56	2,500.45
TOTAL - TO PAGE 4 - LINE 16	$5,633.14	$5,591.92

TAXI WEEKLY, INC.
161 W. 54 St., N.W., N.Y.

SCHEDULE - FORM 1120-S
FISCAL YEAR ENDED MARCH 31, 1965

Rider Re Schedule L - Lines 23 and 24

Shareholders Undistributed Taxable Income
Balance at April 1, 1964 $6,875.10

On Sept. 14, 1964 Abrsham Weisinger a 50% shareholder sold all his shares to Seymour L. Peterman the other 50% shareholder.

As a result his 50% of $6,875.10 or $3,437.55 was transferred from S.U.T.I. to Earned Surplus.

Form 1120-S (1964)

Schedule J.—OTHER DEDUCTIONS (See general instruction L and specific instruction 26)

		Total (enter here and on line 26, page 1)	

Schedule K.—SHAREHOLDER'S SHARE OF INCOME (See page 3 of instructions)

Computation of Corporation's Undistributed Taxable Income

1. Taxable income (from line 28, page 1)	2,899.88
2. Less: Money distributed as dividends out of earnings and profits of the taxable year	2,899.88
3. Corporation's undistributed taxable income	None

Schedule of Distribution and Income

1. Name and address of each shareholder (If return of shareholder is filed in another Internal Revenue District, specify district)	Social security number	2. Stock ownership: Number of shares	Period held: From	To
(a) Seymour L. Paterman, 58 Barrow St., NY, NY	080-24-4000	2 1/2	4/1/64	3/31/65
(b) Seymour L. Paterman, 58 Barrow St., NY, NY	080-24-4000	2 1/2	9/14/64	3/31/65
(c) Abraham Waisman, Box 752, Montauk, L.I.	114-05-2863	2 1/2	4/1/64	9/14/64
(d)				
(e)				
(f)				
(g)				
(h)				
(i)				
(j)				
Totals				

Continuation of Schedule of Distribution and Income

	3. Percentage of time devoted to business	4. Compensation	5. Dividends: Dates	5. Dividends: Amounts	6. Share of undistributed taxable income or net operating loss	7. Share of long-term capital gain	8. Dividends entitled to exclusion and credit	9. Amount taxable as ordinary income	10. Nondividend distributions: Date	10. Nondividend distributions: Amount
(a)	All	17,390.00	3/15/65	2,899.68	None			2,899.88	3/15/65	3,100.12
(b)										
(c)	All	3,540.00		None	None					
(d)										
(e)										
(f)										
(g)										
(h)										
(i)										
(j)										
Totals		20,930.00		2899.88	None			2,899.88		3,100.12

F. Date incorporated March 22, 1945

G. Did the corporation at the end of the taxable year own directly or indirectly 50 percent or more of the voting stock of a domestic corporation? Yes ☐ No ☒ (For rules of attribution, see section 267(c)).
If the answer is "Yes," attach separate schedule showing: (a) name, address, and employer identification no.; and (b) percentage owned.

H. Did the corporation derive more than 80% of its gross receipts from sources outside the United States? Yes ☐ No ☒

Did the corporation derive more than 20% of its gross receipts from royalties, rents, dividends, interest, annuities, and sales or exchanges of stock or securities (gross receipts from sales or exchanges being taken into account for purposes of this question only to the extent of gains therefrom) Yes ☐ No ☒

I. Did the corporation during the taxable year have any contracts or subcontracts subject to the Renegotiation Act of 1951? Yes ☐ No ☒
If "Yes," enter the aggregate gross dollar amount billed during the year $

J. Amount of income (or loss) for: 1961 $ 304.24; 1962 $ 169.95; 1963 $ 6,169.91

K. Refer to page 4 of instructions and state the:
Principal business activity Trade Publications
Principal product or service

L. Did you claim a deduction for expenses connected with: (If answer to any question is "Yes," check applicable boxes within that question.)
(1) A hunting lodge ☐, working ranch or farm ☐, fishing camp ☐, resort property ☐, pleasure boat or yacht ☐, or other similar facility ☐? (Other than where the operation of the facility was the principal business.) Yes ☐ No ☒
(2) The leasing, renting, or ownership of a hotel room or suite ☐, apartment ☐, or other dwelling ☐, which was used by customers or employees or members of their families? (Other than use by employees while in business travel status.) Yes ☐ No ☒
(3) The attendance of your employees' families at conventions or business meetings? Yes ☐ No ☒
(4) Vacations for employees or members of their families? (Other than amount reported on Form W-2.) Yes ☐ No ☒

16—72048-1

Schedule L.—BALANCE SHEETS (See instructions)

ASSETS	Beginning of taxable year Amount	Beginning of taxable year Total	End of taxable year Amount	End of taxable year Total
1. Cash		3,255.25		5,603.59
2. Notes and accounts receivable	19,457.63		8,035.75	
(a) Less: Reserve for bad debts		19,457.63		8,035.75
3. Inventories				
4. Investments in Government obligations				
5. Other current assets (attach schedule)				
6. Loans to shareholders				5,497.25
7. Other investments (attach schedule)				
8. Buildings and other fixed depreciable assets	7,656.82		7,656.82	
(a) Less: Accumulated amortization and depreciation	5,558.93	2,097.89	6,351.73	1,305.09
9. Depletable assets				
(a) Less: Accumulated depletion				
10. Land (net of any amortization)				
11. Intangible assets (amortizable only)				
(a) Less: Accumulated amortization				
12. Other assets (attach schedule) Schedule 5		445.26		1,532.38
13. Total assets		25,256.03		22,174.06
LIABILITIES AND CAPITAL				
14. Accounts payable		1,590.72		1,650.09
15. Mortgages, notes, and bonds payable in less than 1 year				
16. Other current liabilities (attach schedule) Schedule 6		5,633.14		5,591.92
17. Loans from shareholders				
18. Mortgages, notes, and bonds payable in 1 year or more				
19. Other liabilities (attach schedule)				
20. Capital stock		300.00		300.00
21. Paid-in or capital surplus				
22. Surplus reserves (attach schedule)				
23. Earned surplus and undivided profits accumulated See rider att.		10,857.07		14,294.62
24. Shareholders' undistributed taxable income See rider att.		6,875.10		337.43
25. Total liabilities and capital		25,256.03		22,174.06

Schedule M.—RECONCILIATION OF TAXABLE INCOME

Itemized entries made below must be identified by account

1. Net income per books	2,899.88	9. Income recorded on books this year not included in this return (itemize)	
2. Contributions in excess of 5% limitation			
3. Insurance premiums paid on the life of any officer or employee where the corporation is directly or indirectly a beneficiary			
4. Unallowable interest expense			
5. Excess of capital losses over capital gains			
6. Taxable income not recorded on books this year (itemize)			
		10. Deductions in this tax return not charged against book income this year (itemize)	
7. Expenses recorded on books this year not deducted in this return (itemize)			
8. Total of lines 1 through 7	2,899.88	11. Total of lines 9 and 10	
		12. Taxable income (line 8 minus line 11)	2,899.88

☆ U.S. GOVERNMENT PRINTING OFFICE : 1964—O-737-748 30—77049-1

Defendants' Exhibit H 1537a

FORM **1120-S**

U.S. Treasury Department
Internal Revenue Service

U.S. SMALL BUSINESS CORPORATION RETURN OF INCOME

FOR CALENDAR YEAR 1965

or other taxable year beginning April 1, 1965
and ending March 31, 1966

1965

PLEASE TYPE OR PRINT

A. Date of election as small business corporation: Nov. 20, 1958

B. Business Code No. (See page 4 of instructions.): 2712 Publications

Name: TAXI WEEKLY INC

Number and street: 161 W 54 ST

City, town, State, and Postal ZIP code: NEW YORK N Y 10019

C. Total assets from line 13 Sch. L (See instruction N): 7,191.52

D. County in which located: New York

E. Employer identification number: 13-1369100

Dept'd - N Cpl
2 mos - 2/2/67

IMPORTANT—All applicable lines and schedules must be filled in. If the lines on the schedules are not sufficient, see instruction M.

GROSS INCOME	1. Gross receipts or gross sales ..... Less: Returns and allowances	60,565.60
	2. Less: Cost of goods sold (Schedule A) and/or operations (attach schedule) Schedule 1	34,422.79
	3. Gross profit	26,142.81
	4. Dividends	
	5. Interest on obligations of the United States and U.S. instrumentalities	
	6. Other interest	
	7. Rents	
	8. Royalties	
	9. Gains and losses (separate Schedule D, Form 1120-S)—	
	(a) Net short-term capital gain reduced by any net long-term capital loss	
	(b) Net long-term capital gain reduced by any net short-term capital loss	
	(c) Net gain (loss) from sale or exchange of property other than capital assets	
	10. Other income (attach schedule)	
	11. Total income, lines 3 through 10	26,142.81
DEDUCTIONS	12. Compensation of officers (Schedule E)	1,200.00
	13. Salaries and wages (not deducted elsewhere)	9,056.71
	14. Repairs (do not include cost of improvements or capital expenditures)	
	15. Bad debts (Schedule F if reserve method is used)	3,172.76
	16. Rents	3,150.00
	17. Taxes (Schedule G) Schedule 2	1,226.84
	18. Interest	
	19. Contributions (Schedule H)	
	20. Losses by fire, storm, shipwreck, other casualty, or theft (attach schedule)	
	21. Amortization (attach schedule) Schedule 3	647.05
	22. Depreciation (Schedule I)	
	23. Depletion (attach schedule)	
	24. Advertising	
	25. (a) Pension, profit-sharing, stock bonus, annuity plans (see instructions)	
	(b) Other employee benefit plans (see instructions)	
	26. Other deductions (Schedule J) Schedule 4	18,699.30
	27. Total deductions in lines 12 through 26	37,152.66
	28. Taxable income, line 11 less line 27 (Loss)	(11,009.85)

SIGNATURE AND VERIFICATION (See instruction F)

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete. If prepared by a person other than taxpayer, his declaration is based on all information of which he has any knowledge.

CORPORATE SEAL

Date ..... Signature of officer ..... Title .....

COPY

Date ..... Individual or firm signature of preparer ..... Address .....

16—70879-1

Schedule A.—COST OF GOODS SOLD (Where inventories are an income-determining factor) (See instruction 2)

1. Inventory at beginning of year		5. Total of lines 1 through 4	
2. Merchandise bought for manufacture or sale		6. Less: Inventory at end of year	
3. Salaries and wages		7. Cost of goods sold (enter here and on line 2, page 1)	
4. Other costs per books (attach schedule)			

Schedule E.—COMPENSATION OF OFFICERS (See page 3 of instructions)

1. Name, address, and social security number of officer	2. Title	3. Time devoted to business	Percentage of corporation stock owned		6. Amount of compensation	7. Expense account allowances
			4. Common	5. Preferred		
Joseph Peterman #052-03-6694 291 Beach 15 St., Far Rockaway, NY		Part			1,200.00	
Total compensation of officers (enter here and on line 12, page 1)					1,200.00	

Schedule F.—BAD DEBTS—RESERVE METHOD (See instruction 15)

1. Taxable year	2. Trade notes and accounts receivable outstanding at end of year	3. Sales on account	4. Gross amount added to reserve	5. Amount charged against reserve	6. Reserve for bad debts at end of year
1960					
1961					
1962					
1963					
1964					
1965					

Schedule G.—TAXES (See instruction 17)

Explanation	Amount
Total (enter here and on line 17, page 1)	

Schedule H.—CONTRIBUTIONS (See instruction 19)

Name of organization and date paid	Amount
Contributions carryover (see instructions)	
Total contributions (enter here and on line 19, page 1, subject to 5 percent limitation)	

Schedule I.—DEPRECIATION (See instruction 22)

Taxpayers using Revenue Procedure 62-21, in column 3 state the cost or other basis of assets held at end of year. Column 2 is not applicable to Revenue Procedure 62-21.

1. Group and guideline class or description of property	2. Date acquired	3. Cost or other basis	4. Depreciation allowed or allowable in prior years	5. Method of computing depreciation	6. Life or rate	7. Depreciation for this year
1. Total additional first-year depreciation (do not include in items below) →						
Buildings						
Furniture and fixtures						
Transportation equipment						
Machinery and other equipment						
Other (specify)						
2. Totals						
3. Less: Amount of depreciation claimed in Schedule A and elsewhere on return						
4. Balance—Enter here and on line 22, page 1						

SUMMARY OF DEPRECIATION

	Straight line	Declining balance	Sum of the years-digits	Units of production	Additional first-year (section 179)	Other (specify)	Total
1. Under Rev. Proc. 62-21							
2. Other							

NAME Taxi Weekly Inc

ADDRESS 161 W 54th St, New York, NY 10019 IND. NO. 13-1369100

YEAR ENDED 3/31/66

Cost of Operations - Schedule 1		
Printing	26,084 28	
Paper	1495 23	
Stories + Correspondence - Free Lance	286 00	
Cuts + Art Work	543 28	
Salaries	6,014 00	
Total - to Pg 1, line 2	34,422 79	
Taxes - Schedule 2		
Social Security	619 08	
NYS Unemployment Ins.	398 28	
NYS Franchise	(127 97)	
NYS Disability	39 91	
NYC Rent + Occupancy	163 50	
NYC Gross Receipts	73 31	
Federal Unemployment Ins.	60 73	
Total - to Pg 1, line 17	1226 84	

Schedule 3.

DEPRECIATION SCHEDULE

NAME Taxi Weekly Inc IND. NO. 13-1369100

ADDRESS 161 W 54th St, New York, NY 10019 YEAR ENDING 3/31/66

(1) KIND OF PROPERTY (If buildings, state material of which constructed). Exclude land and other nondepreciable property	(2) Date acquired	(3) Cost or other basis	(4) Depreciation allowed (or allowable) in prior years	(5) Method	(6) Rate (%) or life (years)	(7) Depreciation for this year
TOTAL ADDITIONAL FIRST YEAR DEPRECIATION (DO NOT INCLUDE IN ITEMS BELOW) →						
Furniture + Fixtures	1957	2120 68	1702 59	SL	10 yrs	212 07
" "	1958	298 93	209 23	SL	"	29 89
Machinery	1956	303 00	298 20	SL	"	4 80
Equipment	1961	62 91	22 02	SL	"	6 29
Camera	3-27-64	124 75	41 58	SL	3 yrs	41 58
Leasehold Improvements	1-1-61	2349 37	1996 95	SL	5 yrs	352 42
TOTAL (Line No. 22 Page 1)						647 05

Form 37 Rev. 1965

METHOD: S.L.=STRAIGHT LINE D.B.=DECLINING BALANCE S.D.=SUM OF DIGITS

1540A

NAME Taxi Weekly Inc

ADDRESS 161 W 54th St, New York, NY 10019 IND. NO. 13-1369100

YEAR ENDED 3/31/66

Other Deductions - Schedule 4				
Advertising Commissions	6456	86		
Discounts	905	65		
Postage + Meter Rental	3735	59		
Trucking	306	00		
Advertising + Promotion	75	80		
Supplies	135	23		
Dues + Subscriptions	369	69		
Messenger Service	48	10		
Travel + Entertainment	1034	14		
Repairs + Maintenance	67	63		
Stationery + Printing	128	36		
Legal + Accounting	1750	00		
Electricity	159	82		
Employees Hospitalization	658	62		
Telephone + Telegraph	933	84		
General Expense	697	59		
Insurance	307	85		
Help Wanted Advertising	586	47		
Christmas Expense + Gifts	126	06		
Total - to Pg 1, line 26	18699	30		
Other Assets - Schedule 5	Begin of Yr		End of Yr	
Loans + Exchanges	72	53		
Security Deposits	370	00	420	00
Deferred Charges	1089	85	988	02
Total - to Pg 4, line 12	1532	38	1408	02
Other Current Liabilities - Schedule 6				
Accrued Payroll	73	38	188	08
Payroll Taxes	2500	43	410	65
Sundry Accrued Expenses	1203	11	544	57
Prepaid Circulation Income	1815	00	1400	00
Total - to Pg 4, line 16	5591	92	2843	30

Form 1120-S (1965) 1542 a Page

Schedule J.—OTHER DEDUCTIONS (See general instruction L and specific instruction 26)

		Total (enter here and on line 26, page 1)	

Schedule K.—SHAREHOLDER'S SHARE OF INCOME (See page 3 of instructions)

Computation of Corporation's Undistributed Taxable Income

1. Taxable income (from line 28, page 1)	(11,009.85)
2. Less: Money distributed as dividends out of earnings and profits of the taxable year	None
3. Corporation's undistributed taxable income	(11,009.85)

Schedule of Distribution and Income

	1. Name and address of each shareholder (If return of shareholder is filed in another Internal Revenue District, specify district)	Social security number	2. Stock ownership: Number of shares	Period held: Fr.	To
(a)	Seymour L. Peterman, 175 W. 13 St., NY, NY 10011	080-24-4080	15	4/1/65	3/31/66
(b)					
(c)					
(d)					
(e)					
(f)					
(g)					
(h)					
(i)					
(j)					
Totals					

Continuation of Schedule of Distribution and Income

	3. Percentage of time devoted to business	4. Compensation	5. Dividends: Dates	5. Dividends: Amounts	6. Share of undistributed taxable income or net operating loss	7. Share of long-term capital gain	8. Dividends entitled to exclusion	9. Amount taxable as ordinary income	10. Nondividend distributions: Date	10. Nondividend distributions: Amount
(a)	all	None		None	(11,009.85)			(11,009.85)		None
(b)										
(c)										
(d)										
(e)										
(f)										
(g)										
(h)										
(i)										
(j)										
Totals		None		None	(11,009.85)			(11,009.85)		None

F. Date incorporated 5/22/45

G. Did the corporation at the end of the taxable year own directly or indirectly 50 percent or more of the voting stock of a domestic corporation? Yes ☐ No ☒ (For rules of attribution, see section 267(c)).
If the answer is "Yes," attach separate schedule showing: (a) name, address, and employer identification no.; and (b) percentage owned.

H. Did the corporation derive more than 80% of its gross receipts from sources outside the United States? Yes ☐ No ☒

Did the corporation derive more than 20% of its gross receipts from royalties, rents, dividends, interest, annuities, and sales or exchanges of stock or securities (gross receipts from sales or exchanges being taken into account for purposes of this question only to the extent of gains therefrom) Yes ☐ No ☒

I. Did the corporation during the taxable year have any contracts or subcontracts subject to the Renegotiation Act of 1951? Yes ☐ No ☒
If "Yes," enter the aggregate gross dollar amount billed during the year. $

J. Amount of taxable income (or loss) for: 1962 $ 169.95; 1963 $ 6,169.91; 1964 $ 2,899.80

K. Refer to page 4 of instructions and state the:
Principal business activity Trade Publications
Principal product or service

L. Did you claim a deduction for expenses connected with: (If answer to any question is "Yes," check applicable boxes within that question.)
(1) A hunting lodge ☐, working ranch or farm ☐, fishing camp ☐, resort property ☐, pleasure boat or yacht ☐, or other similar facility ☐? (Other than where the operation of the facility was the principal business.) Yes ☐ No ☒
(2) The leasing, renting, or ownership of a hotel room or suite ☐, apartment ☐, or other dwelling ☐, which was used by customers or employees or members of their families? (Other than use by employees while in business travel status.) Yes ☐ No ☒
(3) The attendance of your employees' families at conventions or business meetings? Yes ☐ No ☒
(4) Vacations for employees or members of their families? (Other than amount reported on Form W-2.) Yes ☐ No ☒

M. Were you liable for filing Forms 1096 and 1099 or 1087 for the calendar year 1965? Yes ☐ No ☒
If "Yes," where were they filed?

N. Was there any substantial change in the manner of determining quantities, costs, or valuations between opening and closing inventory? Yes ☐ No ☐
If "Yes," attach explanation.

Schedule L.—BALANCE SHEETS (See instructions)

ASSETS	Beginning of taxable year (A) Amount	Beginning of taxable year (B) Total	End of taxable year (C) Amount	End of taxable year (D) Total
1. Cash		5,603.59		341.05
2. Notes and accounts receivable	8,035.75		4,784.41	
(a) Less allowance for bad debts		8,035.75		4,784.41
3. Inventories				
4. Investments in Government obligations				
5. Other current assets (attach schedule)		5,697.25		
6. Loans to shareholders				
7. Other investments (attach schedule)	7,656.82		7,656.82	
8. Buildings and other fixed depreciable assets				
(a) Less accumulated depreciation	6,351.73	1,305.09	6,990.78	658.04
9. Depletable assets				
(a) Less accumulated depletion				
10. Land (net of any amortization)				
11. Intangible assets (amortizable only)				
(a) Less accumulated amortization				1,408.02
12. Other assets (attach schedule) Schedule 5		1,532.38		7,191.52
13. Total assets		22,174.06		
LIABILITIES AND CAPITAL				
14. Accounts payable		1,650.09		226.02
15. Mtges., notes, bonds payable in less than 1 yr.				2,843.30
16. Other current liabilities (attach schedule) Sch. 6		5,591.92		200.00
17. Loans from shareholders				
18. Mtges., notes, bonds payable in 1 yr. or more				
19. Other liabilities (attach schedule)				
20. Capital stock		300.00		300.00
21. Paid-in or capital surplus				
22. Surplus reserves (attach schedule)				
23. Earned surplus & undivided profits accumulated		14,294.62		14,294.62
24. Shareholders' undistributed taxable income		337.43		(10,672.42)
25. Total liabilities and capital		22,174.06		7,191.52

Schedule M.—RECONCILIATION OF TAXABLE INCOME

Itemized entries made below must be identified by account

1. Net income per books	(11,009.85)	9. Income recorded on books this year not included in this return (itemize)	
2. Contributions in excess of 5% limitation			
3. Insurance premiums paid on the life of any officer or employee where the corporation is directly or indirectly a beneficiary			
4. Unallowable interest expense			
5. Excess of capital losses over capital gains			
6. Taxable income not recorded on books this year (itemize)		10. Deductions in this tax return not charged against book income this year (itemize)	
7. Expenses recorded on books this year not deducted in this return (itemize)			
8. Total of lines 1 through 7	(11,009.85)	11. Total of lines 9 and 10	(11,009.85)
		12. Taxable income (line 8 less line 11)	

☆☆☆☆ U.S. GOVERNMENT PRINTING OFFICE : 1965—O-780-732

Defendants' Exhibit M

1544 a

TAXI WEEKLY, INC.

FINANCIAL REPORT

FOR THE FISCAL YEAR ENDED MARCH 31, 1961

LEWIS J. GRAHAM
CERTIFIED PUBLIC ACCOUNTANT
1841 BROADWAY
NEW YORK 23, N.Y

BEST COPY AVAILABLE

1545 a

LEWIS J. GRAHAM
CERTIFIED PUBLIC ACCOUNTANT
1841 BROADWAY
NEW YORK 23, N.Y.
—
CIRCLE 7-1451-1452

June 16, 1961

Taxi Weekly, Inc.
161 W. 54 Street
New York 19, N.Y.

Gentlemen:

We have audited the books and records of the corporation for the fiscal year ended March 31, 1961 and present herewith a financial report thereon, consisting of the following:

Exhibit "A" - Balance Sheet as of March 31, 1961

Exhibit "B" - Profit and Loss Statement for the fiscal year ended March 31, 1961

Supporting Schedules

The report was prepared from the books and records of the corporation, with no independent verification of assets or liabilities by direct communication with outside sources.

We may not, therefore, under current accounting practice, express an opinion regarding the statements.

Should any further information be required regarding the accounts, we shall be pleased to furnish you with the same, or to confer with you thereon at your convenience.

Respectfully submitted,

LEWIS J. GRAHAM

TAXI WEEKLY, INC.

EXHIBIT "A"

BALANCE SHEET
AS OF MARCH 31, 1961

A S S E T S

Current Assets:				
Cash in Manufacturers Trust Co.				$13,941.37
Accounts Receivable			$14,210.45	
Less: Reserve for Commissions and Discounts			725.00	13,485.45
Total Current Assets				27,426.82
		Reserve for	Adjusted	
Fixed Assets:	Cost	Depreciation	Cost	
Furniture and Fixtures	$4,291.79	$2,401.05	$1,890.74	
Machinery and Equipment	828.00	702.00	126.00	
Leasehold Improvements	2,349.37	117.47	2,231.90	
Total	$7,469.16	$3,220.52		4,248.64
Other Assets:				
Security and Other Deposits			370.00	
Deferred Charges			327.75	
Due from Officer - A.W.			2,823.25	
Total Other Assets				3,521.00
TOTAL ASSETS				$35,196.46

LIABILITIES AND CAPITAL

Accounts Payable and Accrued Expenses (Schedule A-I)		$ 2,693.34
Payroll and Withholding Taxes Payable		2,137.30
Circulation Prepaid		8,496.87
Total Liabilities		13,327.51
Capital:		
Capital Stock	$ 300.00	
Earned Surplus (Schedule A-II)	21,568.95	
Total Capital		21,868.95
TOTAL LIABILITIES AND CAPITAL		$35,196.46

Subject to comments in letter of transmittal.

TAXI WEEKLY, INC.

SCHEDULES - EXHIBIT "A"
AS OF MARCH 31, 1961

ACCOUNTS PAYABLE AND ACCRUED EXPENSES - SCHEDULE A-I:		
N.Y. State Franchise Tax		$ 696.48
Telephone		122.25
Electricity		5.00
Compensation Insurance		60.00
Accounting		166.66
Legal Advertising		394.75
Trucking		80.00
N.Y. City Gross Receipts Tax		592.32
Audit Bureau of Circulation		2.78
Stationery and Printing		51.84
Supplies		243.34
Engraving and Art Work		68.30
Paper - Taxi Industry		209.62
TOTAL		$2,693.34
EARNED SURPLUS - SCHEDULE A-II:		
Earned Surplus as of March 31, 1960		$10,857.07
Shareholders' Undistributed Taxable Income:		
Balance - April 1, 1960	$ 547.74	
Add: Net Profit for the fiscal year ended March 31, 1961 (Exhibit "B")	10,164.14	
Balance - March 31, 1961		10,711.88
COMBINED BALANCE AS OF MARCH 31,1961		$21,568.95

TAXI WEEKLY, INC.

EXHIBIT "J"

PROFIT AND LOSS STATEMENT
FOR THE FISCAL YEAR ENDED MARCH 31, 1961

	Taxi Weekly	Taxi Industry	Total
Gross Advertising Income (Schedule B-I)	$ 55,751.57	$45,015.46	$100,770.03
Less: Commissions, Discounts and Rebates	5,927.10	7,122.94	13,050.04
Net Advertising Income	49,824.47	37,892.52	87,719.99
Circulation Income (Schedule B-I)	55,495.25	2,538.47	58,033.72
Legal Advertising - Net	2,215.90		2,215.90
	107,535.62	40,433.99	147,969.61
Less: Printing and Paper	18,741.21	16,815.32	35,556.53
Gross Profit	$ 88,794.41	$23,618.67	112,413.08
Add: Sundry Income			375.56
Total Income			112,788.64
Expenses:			
Payroll Expenses:			
Salaries (Excluding Officers)		21,065.40	
Social Security Taxes		1,621.45	
Total Payroll Expenses		22,686.85	
Circulation, Editorial and Advertising Expense (Schedule B-II)		13,522.41	
General and Administrative Expense (Schedule B-II)		19,555.24	
Total Expenses			55,764.50
Net Profit (Before Officers' Salaries)			57,024.14
Officers' Salaries			46,860.00
NET PROFIT			* $ 10,164.14

* Corporation has elected to be treated as a tax option corporation. The above profit is therefore not subject to federal corporate income taxes but is taxable to the shareholders.

Subject to comments in letter of transmittal.

TAXI WEEKLY, INC.

SCHEDULE P-I

COMPARATIVE INCOME ANALYSIS
FOR THE FISCAL YEARS ENDED MARCH 31, 1961 AND 1960

Gross Advertising Income

	Current Period (52 Weeks)			Prior Year (53 Weeks)		
	Total	Taxi Weekly	Taxi Industry	Total	Taxi Weekly	Taxi Industry
April	$ 8,221.	$ 4,368.	$ 3,853.	* $ 9,121.	$ 5,511.	$ 3,610.
May	9,343.	5,051.	4,292.	8,158.	5,033.	3,125.
June	* 8,687.	5,548.	3,139.	7,265.	4,753.	2,512.
July	6,570.	3,443.	3,127.	* 6,857.	4,151.	2,706.
August	* 5,958.	3,910.	2,048.	4,825.	2,521.	2,304.
September	5,759.	2,876.	2,883.	* 11,188.	6,368.	4,820.
October	14,414.	6,138.	8,276.	11,794.	5,751.	6,043.
November	* 10,988.	5,475.	5,513.	10,543.	5,015.	5,528.
December	11,196.	8,222.	2,974.	* 10,541.	7,083.	3,458.
January	* 6,941.	3,895.	3,046.	7,132.	4,208.	2,924.
February	6,338.	3,293.	3,045.	7,371.	4,685.	2,686.
March	6,355.	3,533.	2,822.	* 8,722.	4,779.	3,943.
TOTAL	$100,770.	$55,752.	$45,018.	$103,517.	$59,858.	$43,659.

Circulation Income

	Current Year			Prior Year		
	Total	Taxi Weekly	Taxi Industry	Total	Taxi Weekly	Taxi Industry
April	$ 3,601.	$ 3,435.	$ 166.	* $ 4,041.	$ 3,941.	$ 100.
May	3,736.	3,440.	296.	3,677.	3,374.	303.
June	* 4,592.	4,397.	195.	3,723.	3,379.	344.
July	3,931.	3,807.	124.	* 4,167.	3,947.	220.
August	* 4,553.	4,484.	69.	3,198.	2,978.	220.
September	6,326.	5,964.	362.	* 3,915.	3,697.	218.
October	3,888.	3,673.	215.	3,337.	3,076.	261.
November	* 4,899.	4,578.	321.	3,295.	3,191.	104.
December	4,526.	4,332.	194.	* 3,965.	3,868.	97.
January	* 4,588.	4,448.	140.	3,922.	3,692.	230.
February	3,521.	3,469.	52.	3,858.	3,548.	310.
March	3,802.	3,436.	366.	* 4,568.	4,336.	232.
Total	51,963.	49,463.	2,500.	$45,656.	$43,027.	$2,629.
Circulation Premid:						
Deferred - March 31, 1961	8,497.	7,232.	1,265.			
Less: Deferred at Beginning of Year April 1, 1960	14,567.	13,264.	1,303.			
Net Addition to Income	6,070.	6,032.	38.			
TOTAL	$58,033.	$55,495.	$2,538.			

* Five week month.

TAXI WEEKLY, INC.

SCHEDULES - EXHIBIT "D"
FOR THE FISCAL YEAR ENDED MARCH 31, 1961

CIRCULATION, EDITORIAL AND ADVERTISING EXPENSE - SCHEDULE B-II:	
Postage	$ 9,750.28
Cuts and Art Work	1,073.35
Trucking	642.00
Audit Bureau of Circulation	199.86
Stories and Correspondents	293.00
Supplies	1,219.84
Rental - Pitney Bowes	68.00
Mailing Lists	167.90
Standard Rate and Data	72.00
Ads	30.00
Bookbinding Year Issues	6.18
TOTAL	$13,522.41

GENERAL AND ADMINISTRATIVE EXPENSE - SCHEDULE B-III:	
Rent	$ 3,861.50
Travel and Entertainment	5,153.03
Auto Expense	690.86
Painting	465.00
Repairs and Maintenance	511.01
Stationery and Printing	101.72
Accounting	1,174.96
Electricity	50.70
Telephone and Telegrams	1,306.30
General Expense	1,270.64
Contributions	160.00
Bank Charges	23.14
Insurance	259.20
Dues and Subscriptions	21.45
Promotion (journal ad - L.O.M.T.O. and U.R.L.D.)	34.00
Occupancy Tax	7.00
Employees' Hospitalization	353.13
N.A.T.O. Convention	824.86
Gross Receipts Tax	592.32
Depreciation - Furniture and Equipment	313.96
- Machinery	30.30
- Leasehold Improvements	117.47
Christmas Expense	1,061.02
N.Y. State Franchise Tax	746.87
Moving Expenses	424.80
TOTAL	$12,555.24

Defendants' Exhibit N

TAXI WEEKLY, INC.

FINANCIAL REPORT

FOR THE FISCAL YEAR ENDED MARCH 31, 1962

LEWIS J. GRAHAM
CERTIFIED PUBLIC ACCOUNTANT
1841 BROADWAY
NEW YORK 23, N.Y.

LEWIS J. GRAHAM
CERTIFIED PUBLIC ACCOUNTANT
1841 BROADWAY
NEW YORK 23, N.Y.
CIRCLE 7-1451-1452

May 10, 1962

Taxi Weekly, Inc.
161 West 54 Street
New York 19, N. Y.

Gentlemen:

We have audited the books and records of the corporation for the fiscal year ended March 31, 1962 and present herewith a financial report thereon, consisting of the following:

Exhibit "A" - Balance Sheet as of March 31, 1962

Exhibit "B" - Comparative Profit and Loss Statement for the fiscal years ended March 31, 1962 and March 31, 1961

Supporting Schedules

The report was prepared from the books and records of the corporation, with no independent verification of assets or liabilities by direct communication with outside sources.

We may not, therefore, under current accounting practice, express an opinion regarding the statements.

Should any further information be required regarding the accounts, we shall be pleased to furnish you with the same, or to confer with you thereon at your convenience.

Respectfully Submitted,

Lewis J. Graham

LEWIS J. GRAHAM

EXHIBIT "A"

TAXI WEEKLY, INC.

BALANCE SHEET
AS OF MARCH 31, 1962

A S S E T S

Current Assets:				
Cash in Manufacturers Trust Co.				$ 2,326.05
Accounts Receivable			$16,986.83	
Less: Reserve for Commissions and Discounts			885.00	16,101.83
Total Current Assets				18,427.88
Fixed Assets:	Cost	Reserve for Depreciation	Adjusted Cost	
Furniture and Fixtures	$4,291.79	$2,698.79	$1,593.00	
Machinery and Equipment	890.91	735.45	155.46	
Leasehold Improvements	2,349.37	587.34	1,762.03	
Automobile	2,310.00	2,079.00	231.00	
Total Fixed Assets	$9,842.07	$6,100.58		3,741.49
Other Assets:				
Security and Other Deposits				370.00
Loans and Exchanges				131.06
Deferred Charges				447.03
TOTAL ASSETS				$23,117.46

LIABILITIES AND CAPITAL

Accounts Payable and Accrued Expenses (Schedule A-I)			$ 8,012.20
Payroll and Withholding Taxes Payable			2,464.95
Circulation Prepaid - "Taxi Industry"			948.00
Total Liabilities			11,425.15
Capital:			
Capital Stock		$ 300.00	
Earned Surplus (Schedule A-II)		11,392.31	
Total Capital			11,692.31
TOTAL LIABILITIES AND CAPITAL			$23,117.46

Subject to comments in letter of transmittal.

TAXI WEEKLY, INC.

SCHEDULES - EXHIBIT "A"
AS OF MARCH 31, 1962

ACCOUNTS PAYABLE AND ACCRUED EXPENSES - SCHEDULE A-I:		
Officers' Bonuses	$5,000.00	
Printing	966.91	
N.Y. City Gross Receipts Tax	509.00	
N.Y. State Franchise Tax - Current Year	706.38	
Sundry Expenses	829.91	
TOTAL	$8,012.20	
EARNED SURPLUS - SCHEDULE A-II:		
Earned Surplus as of March 31, 1960		$10,857.07
Shareholder's Undistributed Taxable Income:		
Balance as of April 1, 1961	$10,711.88	
Add: Net Profit for the fiscal year ended March 31, 1962 (Exhibit "B")	304.24	
Adjustment per Treasury Dept - Depreciation of Auto - Deemed Salvage Value	231.00	
	11,247.12	
Less: Dividends Paid	10,711.88	
Balance as of March 31, 1962		535.24
COMBINED BALANCE AS OF MARCH 31, 1962		$11,392.31

EXHIBIT "B"

TAXI WEEKLY, INC.

COMPARATIVE PROFIT AND LOSS STATEMENT
FOR THE FISCAL YEARS ENDED MARCH 31, 1962 AND MARCH 31, 1961

	Fiscal Year Ended March 31, 1962			Fiscal Year Ended March 31, 1961		
	Taxi Weekly	Taxi Industry	Total	Taxi Weekly	Taxi Industry	Total
Gross Advertising Income	$54,426.99	$45,190.18	$ 99,617.17	$52,781.57	$45,014.46	$100,770.03
Less: Commissions, Discounts and Rebates	5,402.65	6,551.95	11,954.60	5,927.10	7,122.94	13,050.04
Net Advertising Income	49,024.34	38,638.23	87,662.57	46,854.47	37,895.52	87,719.99
Circulation Income (Schedule B-I)	51,271.88	2,358.05	53,629.93	55,495.25	2,538.47	58,033.72
Legal Advertising - Net	2,118.75		2,118.75	2,215.90		2,215.90
	102,414.97	40,996.28	143,411.25	104,565.62	40,433.99	147,969.61
Less: Printing and Paper	17,993.72	14,698.59	32,692.31	18,741.21	16,815.32	35,556.53
Gross Profit	$ 84,421.25	$26,297.69	110,718.94	$ 88,794.41	$23,618.67	112,413.08
Add: Sundry Income			69.34			375.56
Total Income			110,788.28			112,788.64
Expenses:						
Payroll Expenses:						
Salaries (Excluding Officers)		21,617.61			21,065.40	
Social Security Taxes		1,654.30			1,621.45	
Total		23,271.91			22,686.85	
Circulation, Editorial and Advertising Expense (Schedule B-II)		12,862.02			13,522.10	
General and Administrative Expenses (Schedule B-II)		17,550.11			19,555.23	
Total Expenses			53,684.04			55,764.50
Net Profit (Before Officers' Salaries)			57,104.24			57,024.14
Officers' Salaries			56,800.00			46,860.00
NET PROFIT *			$ 304.24			$ 10,164.14

* Corporation has elected to be treated as a tax option corporation. The above profit is therefore not subject to federal corporate income taxes but is taxable to the shareholders.

Subject to comments in letter of transmittal.

TAXI WEEKLY, INC.

SCHEDULE B-I

COMPARATIVE INCOME ANALYSIS
FOR THE FISCAL YEARS ENDED MARCH 31, 1962 AND 1961

Gross Advertising Income

	Current Fiscal Year Ended March 31, 1962			Prior Fiscal Year Ended March 31, 1961		
	Total	Taxi Weekly	Taxi Industry	Total	Taxi Weekly	Taxi Industry
April	$ 6,921.	$ 3,752.	$ 3,169.	$ 8,221.	$ 4,368.	$ 3,853.
May	6,293.	* 4,549.	1,744.	9,343.	5,051.	4,292.
June	6,800.	4,128.	2,672.	8,687.	* 5,548.	3,139.
July	6,793.	* 4,475.	2,318.	6,570.	3,443.	3,127.
August	5,481.	3,203.	2,278.	5,958.	* 3,910.	2,048.
September	6,266.	3,028.	3,238.	5,759.	2,876.	2,883.
October	14,853.	* 8,027.	6,826.	14,414.	6,138.	8,276.
November	9,014.	4,235.	4,779.	10,988.	* 5,475.	5,513.
December	10,774.	6,816.	3,958.	11,196.	8,222.	2,974.
January	8,220.	* 4,628.	3,592.	6,941.	* 3,895.	3,046.
February	8,712.	3,353.	5,359.	6,338.	3,293.	3,045.
March	9,490.	4,233.	5,257.	6,355.	3,533.	2,822.
TOTAL	$99,617.	$54,427.	$45,190.	$100,770.	$55,752.	$45,018.
	46 091			51,963		
	145,67?			152733		

Circulation Income

	Current Fiscal Year Ended March 31, 1962			Prior Fiscal Year Ended March 31, 1961		
	Total	Taxi Weekly	Taxi Industry	Total	Taxi Weekly	Taxi Industry
April	$ 3,770.	$ 3,417.	$ 353.	$ 3,601.	$ 3,435.	$ 166.
May	4,347.	* 4,197.	150.	3,736.	3,440.	296.
June	3,545.	3,486.	59.	4,592.	* 4,397.	195.
July	4,348.	* 4,280.	68.	3,931.	3,807.	124.
August	3,360.	3,314.	46.	4,553.	* 4,484.	69.
September	3,573.	3,337.	236.	6,326.	5,964.	362.
October	4,542.	* 4,067.	475.	3,888.	3,673.	215.
November	3,756.	3,455.	301.	4,899.	* 4,578.	321.
December	4,403.	4,297.	106.	4,526.	4,332.	194.
January	4,293.	* 4,183.	110.	4,588.	* 4,448.	140.
February	3,116.	3,055.	61.	3,521.	3,469.	52.
March	3,028.	2,952.	76.	3,802.	3,436.	366.
Total	46,081.	44,040.	2,041.	51,963.	49,463.	2,500.
Deferred Circulation Adjustments:						
Deferred at beginning of year	8,497.	7,232.	1,265.	14,567.	13,264.	1,303.
Deferred at end of year	948.	-0-	948.	8,497.	7,232.	1,265.
Net Addition to Income	7,549.	7,232.	317.	6,070.	6,032.	38.
TOTAL	$53,630.	$51,272.	$2,358.	$58,033.	$55,495.	$2,538.

* Five week month.

TAXI WEEKLY, INC.

SCHEDULES - EXHIBIT "B"
FOR THE FISCAL YEAR ENDED MARCH 31, 1962

CIRCULATION, EDITORIAL AND ADVERTISING EXPENSE - SCHEDULE B-II:	
Postage	$ 9,502.20
Cuts and Art Work	780.64
Trucking	533.00
Audit Bureau of Circulation	394.19
Stories and Correspondents	218.90
Supplies	841.37
Rental - Pitney Bowes	68.00
Mailing Lists	407.65
Transcripts and Bookbinding	13.92
Messenger Service	10.15
Standard Rate and Data	72.00
Direct Mail Advertisement Assoc.	20.00
TOTAL	$12,862.02

GENERAL AND ADMINISTRATIVE EXPENSES - SCHEDULE B-III:	
Rent	$ 3,000.00
Travel and Entertainment	4,735.76
Auto Expense	846.99
Repairs and Maintenance	344.24
Bad Debts	1,037.91
Accounting	1,100.00
Stationery and Printing	117.75
Electricity	151.55
Telephone and Telegrams	1,037.00
General Expense	775.80
Contributions	177.50
Bank Charges	8.87
Insurance	89.84
Dues and Subscriptions	33.35
Promotion and Publicity	57.55
Occupancy Tax	4.00
Employees' Hospitalization	390.08
Collection Expenses	120.00
Gross Receipts Tax	509.00
Depreciation	801.06
N.Y. State Franchise Tax	706.38
Postal Literature	6.50
Register of Trade Names	28.00
N.A.T.O. Convention	880.58
Advertising	40.00
Christmas Expense	550.40
TOTAL	$17,550.11

Defendants' Exhibit O

TAXI WEEKLY, INC.

FINANCIAL REPORT

FOR THE FISCAL YEAR ENDED MARCH 31, 1962 3

GRAHAM AND FARBER
CERTIFIED PUBLIC ACCOUNTANTS

GRAHAM AND FARBER
CERTIFIED PUBLIC ACCOUNTANTS
1841 BROADWAY
NEW YORK 23, N.Y.
CIRCLE 7-1451

LEWIS J. GRAHAM, C.P.A.
SHAURAIN FARBER, C.P.A.

May 27, 1963

Taxi Weekly, Inc.
161 West 54 Street
New York 19, New York

Gentlemen:

We have audited the books and records of the corporation for the fiscal year ended March 31, 1963 and present herewith a financial report thereon, consisting of the following:

Exhibit "A" - Balance Sheet as of March 31, 1963

Exhibit "B" - Comparative Profit and Loss Statement for the fiscal years ended March 31, 1963 and March 31, 1962

Supporting Schedules

The report was prepared from the books and records of the corporation, with no independent verification of assets or liabilities by direct communication with outside sources.

We may not, therefore, under current accounting practice, express an opinion regarding the statements.

Should any further information be required regarding the accounts, we shall be pleased to furnish you with the same, or to confer with you thereon at your convenience.

Respectfully Submitted,

Graham & Farber

GRAHAM AND FARBER

EXHIBIT "A"

TAXI WEEKLY, INC.

BALANCE SHEET
AS OF MARCH 31, 1963

A S S E T S

Current Assets:				
Cash in Manufacturers Trust Co.				$ 2,435.40
Accounts Receivable			$17,046.58	
Less: Reserve for Commissions and Discounts			910.00	16,136.58
Total Current Assets				18,571.98
			Adjusted	
Fixed Assets:	Cost	Depreciation	Cost	
Furniture and Fixtures	$4,291.79	$2,970.55	$1,321.24	
Machinery and Equipment	890.91	772.04	118.87	
Leasehold Improvements	2,349.37	1,057.21	1,292.16	
Total Fixed Assets	$7,532.07	$4,799.80		2,732.27
Other Assets:				
Security and Other Deposits				370.00
Loans and Exchanges				212.25
Deferred Charges				321.88
TOTAL ASSETS				$22,208.38

LIABILITIES AND CAPITAL

Accounts Payable and Accrued Expenses (Schedule A-I)		$ 3,517.10
Payroll and Withholding Taxes Payable		2,682.02
Circulation Prepaid - "Taxi Industry"	$ 2,379.00	
- Taxi Weekly	1,768.00	4,147.00
Total Liabilities		10,346.12
Capital:		
Capital Stock	300.00	
Earned Surplus (Schedule A-II)	11,562.26	
Total Capital		11,862.26
TOTAL LIABILITIES AND CAPITAL		$22,208.38

Subject to comments in letter of transmittal.

TAXI WEEKLY, INC.

SCHEDULES - EXHIBIT "A"
AS OF MARCH 31, 1963

ACCOUNTS PAYABLE AND ACCRUED EXPENSES - SCHEDULE A-I:	
Officers' Bonuses	$1,000.00
Printing	924.92
N.Y. City Gross Receipts Tax	191.77
N.Y. State Franchise Tax - Current Year	486.02
Sundry Expenses	914.39
TOTAL	$3,517.10

EARNED SURPLUS - SCHEDULE A-II:		
Earned Surplus as of March 31, 1960		$10,857.07
Shareholder's Undistributed Taxable Income:		
Balance as of April 1, 1962	$535.24	
Add: Net Profit for the fiscal year ended March 31, 1963 (Exhibit "B")	169.95	
Balance as of March 31, 1963		705.19
COMBINED BALANCE AS OF MARCH 31, 1963		$11,562.26

TAXI

COMPARATIVE P-
FOR THE FISCAL YEARS ENDE

	Fiscal Year Ended March 31, 19-		
	Taxi Weekly	Taxi Industry	Total
Gross Advertising Income	$53,704.99	$43,515.62	$ 97,220.
Less: Commissions, Discounts and Rebates	5,021.79	6,204.19	11,225.
Net Advertising Income	48,683.20	37,311.43	85,994.
Circulation Income (Schedule B-I)	41,348.95	1,240.75	42,589.
Legal Advertising - Net	1,479.24		1,479.
	91,511.39	38,552.18	130,063.
Less: Printing and Paper	18,343.88	15,048.07	33,391.
Gross Profit	$73,167.51	$23,504.11	96,671.
Add: Sundry Income			115.
Total Income			96,786.
Expenses:			
Payroll Expenses:			
Salaries (Excluding Officers)		$21,448.90	
Social Security Taxes		1,741.80	
Total		23,190.70	
Circulation, Editorial and Advertising Expense (Schedule B-II)		11,623.26	
General and Administrative Expenses (Schedule B-III)		17,771.76	
Loss on Abandonment of Auto		231.00	
Total Expenses			52,816.
Net Profit (Before Officers' Salaries)			43,969.
Officers' Salaries - A. Weisinger		22,800.00	
S.L. Peterman		19,800.00	
J. Peterman		1,200.00	43,800.
NET PROFIT *			$ 169.

* Corporation has elected to be treated as a tax option corporation. The above profit is therefore not subject to federal corporate income taxes but is taxable to the shareholders.

Subject to comments in le

TAXI WEEKLY, INC.

EXHIBIT "B"

COMPARATIVE PROFIT AND LOSS STATEMENT
FOR THE FISCAL YEARS ENDED MARCH 31, 1963 AND MARCH 31, 1962

	Fiscal Year Ended March 31, 1963			Fiscal Year Ended March 31, 1962		
	Taxi Weekly	Taxi Industry	Total	Taxi Weekly	Taxi Industry	Total
	$53,704.99	$43,515.62	$ 97,220.61	$ 54,426.99	$45,190.18	$ 99,617.17
es	5,021.79	6,204.19	11,225.98	5,402.65	6,551.95	11,954.60
	48,683.20	37,311.43	85,994.63	49,024.34	38,638.23	87,662.57
	41,348.95	1,240.75	42,589.70	51,271.88	2,358.05	53,629.93
	1,479.24		1,479.24	2,118.75		2,118.75
	91,511.39	38,552.18	130,063.57	102,414.97	40,996.28	143,411.25
	18,343.88	15,048.07	33,391.95	17,993.72	14,698.59	32,692.31
	$73,167.51	$23,504.11	96,671.62	$ 84,421.25	$25,297.69	110,718.94
			115.05			69.34
			96,786.67			110,788.28
		$21,448.90			$21,617.61	
		1,741.80			1,654.30	
		23,190.70			23,271.91	
g Expense						
		11,623.26			12,862.02	
(Schedule B-III)		17,771.76			17,550.11	
		231.00				
			52,816.72			53,684.04
			43,969.95			57,104.24
		22,800.00			27,800.00	
		19,800.00			27,800.00	
		1,200.00	43,800.00		1,200.00	56,800.00
			$ 169.95			$ 304.24

l as a tax option corporation.
bject to federal corporate
hareholders.

Subject to comments in letter of transmittal.

TAXI WEEKLY, INC.

SCHEDULE P-I

COMPARATIVE INCOME ANALYSIS
FOR THE FISCAL YEARS ENDED MARCH 31, 1963 AND 1962

Gross Advertising Income

	Current Fiscal Year Ended March 31, 1963			Prior Fiscal Year Ended March 31, 1962		
	Total	Taxi Weekly	Taxi Industry	Total	Taxi Weekly	Taxi Industry
April	$ 9,053.	* $ 4,812.	$ 4,241.	$ 6,921.	$ 3,752.	$ 3,169.
May	8,168.	3,692.	4,496.	6,293.	* 4,549.	1,744.
June	6,094.	3,308.	2,786.	6,800.	4,128.	2,672.
July	6,852.	* 4,131.	2,721.	6,793.	* 4,475.	2,318.
August	5,344.	2,442.	2,902.	5,481.	3,203.	2,278.
September	6,227.	2,561.	3,666.	6,266.	3,028.	3,238.
October	12,440.	* 7,319.	5,121.	14,853.	* 8,027.	6,826.
November	9,645.	5,348.	4,297.	9,014.	4,235.	4,779.
December	11,438.	* 8,068.	3,370.	10,774.	6,816.	3,958.
January	6,909.	3,325.	3,584.	8,220.	* 4,628.	3,592.
February	6,445.	3,702.	2,743.	8,712.	3,353.	5,359.
March	8,585.	4,997.	3,588.	9,490.	4,233.	5,257.
TOTAL	$97,220.	$53,705.	$43,515.	$99,617.	$54,427.	$45,190.

	Current Fiscal Year Ended March 31, 1963			Prior Fiscal Year Ended March 31, 1962		
	Total	Taxi Weekly	Taxi Industry	Total	Taxi Weekly	Taxi Industry
April	$ 3,945.	* $ 3,891.	$ 54.	$ 3,770.	$ 3,417.	$ 353.
May	3,120.	3,072.	48.	4,347.	* 4,197.	150.
June	3,072.	3,039.	33.	3,545.	3,486.	59.
July	3,839.	* 3,813.	26.	4,348.	* 4,280.	68.
August	3,149.	3,093.	56.	3,360.	3,314.	46.
September	3,255.	3,189.	66.	3,573.	3,337.	236.
October	3,844.	* 3,786.	58.	4,542.	* 4,067.	475.
November	3,076.	3,057.	19.	3,756.	3,455.	301.
December	5,983.	* 5,137.	846.	4,403.	4,297.	106.
January	5,281.	4,105.	1,176.	4,293.	* 4,183.	110.
February	3,732.	3,558.	174.	3,116.	3,055.	61.
March	3,493.	3,377.	116.	3,028.	2,952.	76.
Total	45,789.	43,117.	2,672.	46,081.	44,040.	2,041.
Deferred Circulation Adjustments:						
Deferred at beginning of year	948.		948.	8,497.	7,232.	1,265.
Deferred at end of year	4,147.	1,768.	2,379.	948.		948.
Net Addition-Reduction to Income	3,199.	1,768.	1,431.	7,549.	7,232.	317.
TOTAL	$42,590.	$41,349.	$1,241.	$53,630.	$51,272.	$2,358.

* Five week month.

TAXI WEEKLY, INC.

SCHEDULES - EXHIBIT "B"
FOR THE FISCAL YEAR ENDED MARCH 31, 1963

CIRCULATION, EDITORIAL AND ADVERTISING EXPENSE - SCHEDULE B-II:	
Postage	$ 8,126.78
Cuts and Art Work	1,094.53
Trucking	568.72
Audit Bureau of Circulation	348.24
Stories and Correspondents	204.96
Supplies	634.65
Rental-Pitney Bowes	68.00
Mailing Lists	228.00
Transcripts and Photos	42.08
Messenger Service	7.30
TOTAL	$11,623.26

GENERAL AND ADMINISTRATIVE EXPENSES - SCHEDULE B-III:	
Rent	$ 3,000.00
Travel and Entertainment	5,179.17
Repairs and Maintenance	211.00
Stationery and Printing	861.24
Legal and Accounting	1,200.00
Electricity	141.21
Employees' Hospitalization	487.80
Telephone and Telegrams	1,059.29
General Expense	1,146.85
Collection Expenses	10.00
Bank Charges	60.08
Auto Expense	509.67
Insurance	298.72
Dues and Subscriptions	75.92
Christmas Expense	831.25
Advertising and Promotion	311.75
Occupancy Tax	6.00
N.Y. City Gross Receipts Tax	729.41
Bad Debts	388.16
Depreciation	778.22
N.Y. State Franchise Tax	486.00
TOTAL	$17,771.76

Defendants' Exhibit P

TAXI WEEKLY, INC.

FINANCIAL REPORT

FOR THE FISCAL YEAR ENDED MARCH 31, 1964

GRAHAM AND FARBER

CERTIFIED PUBLIC ACCOUNTANTS

TAXI WEEKLY, INC.

SCHEDULES - EXHIBIT "A"
AS OF MARCH 31, 1964

ACCOUNTS PAYABLE AND ACCRUED EXPENSES - SCHEDULE A-I:		
Accounting		$ 183.34
N.Y. City Gross Receipts Tax		110.36
Printing		1,309.95
N.Y. State Franchise Tax - Current Year		706.14
Sundry Expenses		741.51
TOTAL		$3,051.30
EARNED SURPLUS - SCHEDULE A-II:		
Earned Surplus as of March 31, 1960		$10,857.07
Shareholders' Undistributed Taxable Income:		
Balance as of April 1, 1963	$ 705.19	
Add: Net Profit for the fiscal year ended March 31, 1964 (Exhibit "B")	6,169.91	
Balance as of March 31, 1964		6,875.10
COMBINED BALANCE AS OF MARCH 31, 1964		$17,732.17

TAXI WEEKLY, INC.

1568 a

BALANCE SHEET
AS OF MARCH 31, 1964

EXHIBIT "A"

A S S E T S

Current Assets:				
Cash in Banks				$ 3,255.25
Accounts Receivable			$19,457.63	
Less: Reserve for Commissions and Discounts			545.00	18,912.63
Total Current Assets				22,167.88
Fixed Assets:	Cost	Depreciation	Adjusted Cost	
Furniture and Fixtures	$4,291.79	$3,223.22	$1,068.57	
Machinery and Equipment	1,015.66	808.63	207.03	
Leasehold Improvements	2,349.37	1,527.08	822.29	
Total Fixed Assets	$7,656.82	$5,558.93		2,097.89
Other Assets:				
Security and Other Deposits			370.00	
Deferred Charges			27.50	
Loans and Exchanges			47.76	
Total Other Assets				445.26
TOTAL ASSETS				$24,711.03

LIABILITIES AND CAPITAL

Liabilities:			
Accounts Payable and Accrued Expenses (Schedule A-I)			$ 3,051.30
Payroll and Withholding Taxes Payable			897.56
Circulation Prepaid - Taxi Industry	$ 1,668.00		
Taxi Weekly	1,062.00		2,730.00
Total Liabilities			6,678.86
Capital:			
Capital Stock		300.00	
Earned Surplus (Schedule A-II)		17,732.17	
Total Capital			18,032.17
TOTAL LIABILITIES AND CAPITAL			$24,711.03

Subject to comments in letter of transmittal.

GRAHAM AND FARBER
CERTIFIED PUBLIC ACCOUNTANTS
1841 BROADWAY
NEW YORK 23, N.Y.
CIRCLE 7-1451

LEWIS J. GRAHAM, C.P.A.
SHAURAIN FARBER, C.P.A.

June 10, 1964

Taxi Weekly, Inc.
161 West 54 Street
New York, N.Y. 10019

Gentlemen:

We have audited the books and records of the corporation for the fiscal year ended March 31, 1964 and present herewith a financial report thereon, consisting of the following:

Exhibit "A" - Balance Sheet as of March 31, 1964

Exhibit "B" - Profit and Loss Statement for the fiscal years ended March 31, 1964 and March 31, 1963

Supporting Schedules

The report was prepared from the books and records of the corporation, with no independent verification of assets or liabilities by direct communication with outside sources.

We may not, therefore, under current accounting practice, express an opinion regarding the statements.

Respectfully submitted,

Graham & Farber

TAXI WEEKLY, INC.

SCHEDULES - EXHIBIT "B"
FOR THE FISCAL YEAR ENDED MARCH 31, 1964

CIRCULATION, EDITORIAL AND ADVERTISING EXPENSE - SCHEDULE B-II:	
Postage	$7,142.65
Cuts and Art Work	1,045.85
Trucking	464.50
Audit Bureau of Circulations	225.33
Stories and Correspondents	117.50
Supplies	603.61
Rental - Pitney Bowes	68.48
Mailing Lists	266.41
Photos	7.00
Messenger Service	10.15
Standard Rate and Data	72.00
TOTAL	$9,572.82

GENERAL AND ADMINISTRATIVE EXPENSES - SCHEDULE B-III:	
Rent	$ 3,000.00
Travel and Entertainment	3,709.55
Auto Expense	451.63
Stationery and Printing	237.86
Repairs and Maintenance	140.50
Bad Debts	598.06
Accounting and Legal	1,100.00
Electricity	138.43
Telephone and Telegrams	907.62
General Expense	2,200.54
Bank Charges	45.87
Insurance	368.50
Dues and Subscriptions	46.72
Advertising and Promotion	305.30
Occupancy Tax	6.00
Employees' Hospitalization	574.44
Denver Convention	766.20
Collection Expense	10.00
N.Y. State Franchise Tax	745.34
Gross Receipts Tax	539.41
Rent Tax	125.00
Christmas Expense	539.16
Depreciation	759.13
TOTAL	$17,315.26

TAXI WEEKLY, INC.

COMPARATIVE PROFIT AND LOSS STAT
FOR THE FISCAL YEARS ENDED MARCH 31, 1964 AI

	Fiscal Year Ended March 31, 19		
	Taxi Weekly	Taxi Industry	Tot
Gross Advertising Income (Schedule B-I)	$ 64,069.63	$42,432.25	$106,5
Less: Commissions, Discounts and Rebates	6,608.04	5,702.79	12,3
Net Advertising Income	57,461.59	36,729.46	94,1
Circulation Income (Schedule B-I)	43,235.39	1,443.13	44,6
Legal Advertising - Net	480.50		4
	101,177.48	38,172.59	139,3
Less: Printing and Paper	19,904.21	15,843.83	35,7
Gross Profit	$ 81,273.27	$22,328.76	103,5
Add: Sundry Income			1,0
Total Income			104,6
Expenses:			
Payroll Expenses:			
Salaries (Excluding Officers)		$19,123.53	
Social Security Taxes		1,534.01	
Total		20,657.54	
Circulation, Editorial and Advertising Expense (Schedule B-II)		9,572.82	
General and Administrative Expenses (Schedule B-III)		17,315.26	
Total Expenses			47,5
Net Profit (Before Officers' Salaries)			57,0
Officers Salaries - A. Weisinger		25,360.00	
S.L. Peterman		24,360.00	
J. Peterman		1,200.00	50,9
NET PROFIT *			$ 6,1

* Corporation has elected to be treated as a tax option corporation. The above profit is therefore not subject to federal corporate income taxes but is taxable to the shareholders.

Subject to comments in letter of transmittal.

XI WEEKLY, INC.

ROFIT AND LOSS STATEMENT
D MARCH 31, 1964 AND MARCH 31, 1963

EXHIBIT "8"

Ended March 31, 1964		Fiscal Year Ended March 31, 1963		
Taxi Industry	Total	Taxi Weekly	Taxi Industry	Total
$42,432.25	$106,501.88	$53,704.99	$43,515.62	$97,220.61
5,702.79	12,310.83	5,021.79	6,204.19	11,225.98
36,729.46	94,191.05	48,683.20	37,311.43	85,994.63
1,443.13	44,678.52	41,348.95	1,240.75	42,589.70
	480.50	1,479.24		1,479.24
38,172.59	139,350.07	91,511.39	38,552.18	130,063.57
15,843.83	35,748.04	18,343.88	15,048.07	33,391.95
$22,328.76	103,602.03	$73,167.51	$23,504.11	96,671.62
	1,033.50			115.05
	104,635.53			96,786.67
$19,123.53			$21,446.90	
1,534.01			1,741.80	
20,657.54			23,190.70	
9,572.82			11,623.26	
17,315.26			18,002.76	
	47,545.62			52,816.72
	57,089.91			43,969.95
25,36[illegible]			22,800.00	
24,360.00			19,800.00	
1,200.00	50,920.00		1,200.00	43,800.00
	$ 6,169.91			$ 169.95

TAXI WEEKLY, INC.

COMPARATIVE INCOME ANALYSIS
FOR THE FISCAL YEARS ENDED MARCH 31, 1964 AND 1963

SCHEDULE 9-I

Gross Advertising Income

	Current Fiscal Year Ended March 31, 1964 (53 Weeks)			Prior Fiscal Year Ended March 31, 1963 (52 Weeks)		
	Total	Taxi Weekly	Taxi Industry	Total	Taxi Weekly	Taxi Industry
April	$ 7,990. *	$ 4,914.	$ 3,076.	$ 9,053. *	$ 4,812.	$ 4,241.
May	7,668.	4,451.	3,217.	8,188.	3,692.	4,496.
June	7,265.	4,361.	2,884.	6,094.	3,308.	2,786.
July	7,226. *	5,248.	1,978.	6,852. *	4,131.	2,721.
August	6,547.	3,945.	2,602.	5,344.	2,442.	2,902.
September	9,662. *	6,418.	3,244.	6,227.	2,561.	3,666.
October	13,886.	8,283.	5,603.	12,440. *	7,319.	5,121.
November	11,064.	5,926.	5,138.	9,645.	5,348.	4,297.
December	11,914. *	8,303.	3,611.	11,438. *	8,066.	3,370.
January	6,969.	3,522.	3,447.	6,909.	3,325.	3,584.
February	7,410.	3,492.	3,918.	6,445.	3,702.	2,743.
March	8,901. *	5,187.	3,714.	8,585.	4,597.	3,588.
TOTAL	$106,502.	$64,070.	$42,432.	$97,220.	$53,705.	$43,515.

Circulation Income

	Current Fiscal Year Ended March 31, 1964			Prior Fiscal Year Ended March 31, 1963		
	Total	Taxi Weekly	Taxi Industry	Total	Taxi Weekly	Taxi Industry
April	$ 4,057. *	$ 3,958.	$ 99.	$ 3,945. *	$ 3,891.	$ 54.
May	3,484.	3,387.	97.	3,120.	3,072.	48.
June	3,187.	3,152.	35.	3,072.	3,039.	33.
July	3,974. *	3,940.	34.	3,839. *	3,813.	26.
August	3,205.	3,186.	19.	3,149.	3,093.	56.
September	4,057. *	4,025.	32.	3,255.	3,189.	66.
October	3,212.	3,148.	64.	3,844. *	3,786.	58.
November	3,165.	3,126.	39.	3,076.	3,057.	19.
December	3,923. *	3,890.	33.	5,983. *	5,137.	846.
January	3,522.	3,442.	80.	5,281.	4,105.	1,176.
February	3,414.	3,304.	110.	3,732.	3,558.	174.
March	4,062. *	3,972.	90.	3,493.	3,377.	116.
Total	43,262.	42,530.	732.	45,789.	43,117.	2,672.
Deferred Circulation:						
Adjustments:						
Deferred at beginning of year	4,147.	1,768.	2,379.	948.		948.
Deferred at end of year	2,730.	1,062.	1,668.	4,147.	1,768.	2,379.
Net Addition - Reduction to Income	1,417.	706.	711.	3,199.	1,768.	1,431.
TOTAL	$44,679.	$43,236.	$1,443.	$42,590.	$41,349.	$1,241.

* Five week month.

Defendants' Exhibit Q

TAXI WEEKLY, INC.

FINANCIAL REPORT

FOR THE FISCAL YEAR ENDED MARCH 31, 1965

GRAHAM AND FARBER

CERTIFIED PUBLIC ACCOUNTANTS

1575 a

GRAHAM AND FARBER
CERTIFIED PUBLIC ACCOUNTANTS
1841 BROADWAY
NEW YORK 23, N.Y.
CIRCLE 7-1451

LEWIS J. GRAHAM, C.P.A.
SHAURAIN FARBER, C.P.A.

May 4, 1965

Taxi Weekly, Inc.
161 West 54 Street
New York, N.Y. 10019

Gentlemen:

We have audited the books and records of the corporation for the fiscal year ended March 31, 1965 and present herewith a financial report thereon, consisting of the following:

Exhibit "A" - Balance Sheet as of March 31, 1965

Exhibit "B" - Profit and Loss Statement for the fiscal years ended March 31, 1965 and March 31, 1964

Supporting Schedules

The report was prepared from the books and records of the corporation, with no independent verification of assets or liabilities by direct communication with outside sources.

We may not, therefore, under current accounting practice, express an opinion regarding the statements.

Respectfully submitted,

Graham & Farber

TAXI WEEKLY, INC.

BALANCE SHEET
AS OF MARCH 31, 1965

EXHIBIT "A"

A S S E T S

Current Assets:				
Cash in Bank				$ 5,603.59
Accounts Receivable			$8,035.75	
Less: Reserve for Commissions and Dicounts			545.00	7,490.75
Total Current Assets				13,094.34
Fixed Assets:	Cost	Depreciation	Adjusted Cost	
Furniture and Fixtures	$4,291.79	$3,467.98	$823.81	
Machinery and Equipment	1,015.66	886.80	128.86	
Leasehold Improvements	2,349.37	1,996.95	352.42	
Total Fixed Assets	$7,656.82	$6,351.73		1,305.09
Other Assets:				
Loan Receivable - L. Peterman			5,359.82	
Security and Other Deposits			370.00	
Deferred Charges			1,089.85	
Loans and Exchanges			72.53	
Total Other Assets				6,892.20
TOTAL ASSETS				$21,291.63

LIABILITIES AND CAPITAL

Liabilities:			
Accounts Payable and Accrued Expenses (Schedule A-I)			$ 2,381.58
Payroll and Withholding Taxes Payable			2,500.43
Circulation Prepaid - Taxi Industry		$ 1,031.00	
Taxi Weekly		784.00	1,815.00
Total Liabilities			6,697.01
Capital:			
Capital Stock		300.00	
Earned Surplus (Schedule A-II)		14,294.62	
Total Capital			14,594.62
TOTAL LIABILITIES AND CAPITAL			$21,291.63

Subject to comments in letter of transmittal.

TAXI WEEKLY, INC.

SCHEDULES - EXHIBIT "A"
AS OF MARCH 31, 1965

ACCOUNTS PAYABLE AND ACCRUED EXPENSES - SCHEDULE A-I:

Paper	$1,345.50
Accounting	183.34
N.Y. City Gross Receipts Tax	95.00
N.Y. State Franchise Tax - Current Year	168.81
Sundry Expenses	588.93
TOTAL	$2,381.58

EARNED SURPLUS - SCHEDULE A-II:

Earned Surplus as of April 1, 1964			$10,857.07
Add: Amount credited to former shareholder			3,437.55
Adjusted Earned Surplus as of March 31, 1965			14,294.62
Shareholders' Undistributed Taxable Income:			
Balance as of April 1, 1964		$6,875.10	
Add: Net Profit for the calendar year ended March 31, 1965 (Exhibit "B")		2,899.88	
		9,774.98	
Less: Amount credited to former shareholder	$3,437.55		
Dividends Paid	6,337.43	9,774.98	
Balance as of March 31, 1965			-0-
EARNED SURPLUS AS OF MARCH 31, 1965			$14,294.62

TAXI WEEKLY, INC.

COMPARATIVE PROFIT AND LOSS STATEMENT
FOR THE FISCAL YEARS ENDED MARCH 31, 1965 AND MAR

	Fiscal Year Ended March 31, 1965		
	Taxi Weekly	Taxi Industry	Total
ross Advertising Income (Schedule B-I)	$44,105.33	$41,070.93	$85,176.26
ess: Commissions, Discounts and Rebates	5,383.66	6,641.84	12,025.50
Net Advertising Income	38,721.67	34,429.09	73,150.76
irculation Income (Schedule B-I)	19,605.60	1,129.30	20,734.90
egal Advertising - Net			
	58,327.27	35,558.39	93,885.66
ess: Printing and Paper	15,269.73	17,867.28	33,137.01
Gross Profit	$43,057.54	$17,691.11	60,748.65
dd: Sundry Income			29.10
Total Income			60,777.75
xpenses:			
Payroll Expenses:			
Salaries (Excluding Officers)		$16,305.36	
Payroll Taxes		1,286.26	
Total		17,591.62	
Circulation, Editorial and Advertising Expense (Schedule B-II)		6,139.53	
General and Administrative Expenses (Schedule B-III)		12,016.72	
Total Expenses			35,747.87
let Profit (Before Officers' Salaries)			25,029.88
fficers' Salaries - S.L. Peterman		17,390.00	
A. Weisinger		3,540.00	
J. Peterman		1,200.00	22,130.00
NET PROFIT *			$ 2,899.88

* Corporation has elected to be treated as a tax option corporation.

The above profit is therefore not subject to federal corporate income taxes but is taxable to the shareholders.

Subject to comments in letter of transmitt

EKLY, INC.

AND LOSS STATEMENTS
CH 31, 1965 AND MARCH 31, 1964

EXHIBIT "B"

	March 31, 1965	Fiscal Year Ended March 31, 1964		
		Taxi Weekly	Taxi Industry	
ry	Total			Total
.93	$85,176.26	$64,069.63	$42,432.25	$106,501.88
.84	12,025.50	6,608.04	5,702.79	12,310.83
.09	73,150.76	57,461.59	36,729.46	94,191.05
.30	20,734.90	43,235.39	1,443.13	44,678.52
		480.50		480.50
.39	93,885.66	101,177.48	38,172.59	139,350.07
.28	33,137.01	19,904.21	15,843.83	35,748.04
.11	60,748.65	$ 81,273.27	$22,328.76	103,602.03
	29.10			1,033.50
	60,777.75			104,635.53
.36			$19,123.53	
.26			1,534.01	
.62			20,657.54	
.53			9,572.82	
.72			17,315.26	
	35,747.87			47,545.62
	25,029.88			57,089.91
.00			24,360.00	
.00			25,360.00	
.00	22,130.00		1,200.00	50,920.00
	$ 2,899.88			$ 6,169.91

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letter of transmittal.

1580 a TAXI WEEKLY, INC.

COMPARATIVE INCOME ANALYSIS
FOR THE FISCAL YEARS ENDED MARCH 31, 1965 AND

Gross Advertising Income

	Current Fiscal Year Ended March 31, 1965 (52 Weeks)			Prior Fisca March 31, 19	
	Total	Taxi Weekly	Taxi Industry	Total	
April	$ 7,525.	$ 4,547.	$ 2,978.	$ 7,990.	$
May	8,629.	4,536.	4,093.	7,668.	
June	7,191.	4,496.	2,695.	7,265.	
July	6,870.	3,512.	3,358.	7,226.	
August	6,649.	4,404.	2,245.	6,547.	
September	6,162.	3,121.	3,041.	9,662.	
October	9,113.	3,965.	5,148.	13,886.	
November	9,337.	5,182.	4,155.	11,064.	
December	5,037.	2,497.	2,540.	11,914.	
January	6,229.	2,930.	3,299.	6,969.	
February	5,895.	2,395.	3,500.	7,410.	
March	6,539.	2,520.	4,019.	8,901.	
TOTAL	$85,176.	$44,105.	$41,071.	$106,502.	

Circulation Income

	Current Fiscal Year Ended March 31, 1965			Prior Fi March	
	Total	Taxi Weekly	Taxi Industry	Total	
April	$ 3,181.	$ 3,128.	$ 53.	$ 4,057.	$
May	3,360.	3,324.	36.	3,484.	
June	4,000.	3,957.	43.	3,187.	
July	2,697.	2,656.	41.	3,974.	
August	2,169.	2,164.	5.	3,205.	
September	1,389.	1,347.	42.	4,057.	
October	1,186.	1,156.	30.	3,212.	
November	901.	837.	64.	3,165.	
December	307.	260.	47.	3,923.	
January	294.	229.	65.	3,522.	
February	158.	131.	27.	3,414.	
March	178.	139.	39.	4,062.	
Total	19,820.	19,328.	492.	43,262.	
Deferred Circulation:					
Adjustments:					
Deferred at beginning of year	2,730.	1,062.	1,668.	4,147.	
Deferred at end of year	1,815.	784.	1,031.	2,730.	
Net Addition to Income	915.	278.	637.	1,417.	
TOTAL	$20,735.	$19,606.	$1,129.	$44,679.	

AXI WEEKLY, INC.

:TIVE INCOME ANALYSIS
RS ENDED MARCH 31, 1965 AND 1964

SCHEDULE B-I

oss Advertising Income

nded eks) Taxi dustry	Prior Fiscal Year Ended March 31, 1964 (53 Weeks) Total	Taxi Weekly	Taxi Industry
2,978.	$ 7,990.	*$ 4,914.	$ 3,076.
4,093.	7,668.	4,451.	3,217.
2,695.	7,265.	4,381.	2,884.
3,358.	7,226.	* 5,248.	1,978.
2,245.	5,547.	3,945.	2,602.
3,041.	9,662.	* 6,418.	3,244.
5,148.	13,886.	8,283.	5,603.
4,155.	11,064.	5,926.	5,138.
2,540.	11,914.	* 8,303.	3,611.
3,299.	6,969.	3,522.	3,447.
3,500.	7,410.	3,492.	3,918.
4,019.	8,901.	* 5,187.	3,714.
1,071.	$106,502.	$64,070.	$42,432.

Circulation Income

Ended Taxi Industry	Prior Fiscal Year Ended March 31, 1964 Total	Taxi Weekly	Taxi Industry
53.	$ 4,057.	*$ 3,958.	$ 99.
36.	3,484.	3,387.	97.
43.	3,187.	3,152.	35.
41.	3,974.	* 3,940.	34.
5.	3,205.	3,186.	19.
42.	4,057.	* 4,025.	32.
30.	3,212.	3,148.	64.
64.	3,165.	3,126.	39.
47.	3,923.	* 3,890.	33.
65.	3,522.	3,442.	80.
27.	3,414.	3,304.	110.
39.	4,062.	* 3,972.	90.
492.	43,262.	42,530.	732.
1,668.	4,147.	1,768.	2,379.
1,031.	2,730.	1,062.	1,668.
637.	1,417.	706.	711.
$1,129.	$44,679.	$43,236.	$1,443.

TAXI WEEKLY, INC.

SCHEDULES - EXHIBIT "B"
FOR THE FISCAL YEAR ENDED MARCH 31, 1965

CIRCULATION, EDITORIAL AND ADVERTISING EXPENSE - SCHEDULE B-II:	
Postage	$4,268.94
Cuts and Art Work	628.09
Trucking	422.16
Stories and Correspondents	173.50
Mailing Lists	109.56
Supplies	192.21
Rental - Pitney Bowes	68.64
Standard Rate and Data	72.00
Messenger Service	71.50
Transcripts and Sundry	132.93
TOTAL	$6,139.53

GENERAL AND ADMINISTRATIVE EXPENSES - SCHEDULE B-III:	
Rent	$ 3,000.00
Travel and Entertainment	550.17
Repairs and Maintenance	62.60
Stationery and Printing	85.93
Accounting and Legal	2,249.98
Electricity	186.94
Employees Hospitalization	446.10
Telephone and Telegrams	971.57
General Expense	300.63
Advertising and Promotion	498.75
Bad Debts	1,163.64
Auto Expense	176.23
Insurance	304.90
Dues and Subscriptions	59.35
Philadelphia Convention	165.33
Christmas Expense	171.90
Rent Tax	150.00
Occupancy Tax	6.00
N.Y. State Franchise Tax	169.45
Gross Receipts Tax	504.45
Depreciation	792.80
TOTAL	$12,016.72

Defendants' Exhibit R

TAXI WEEKLY, INC.

FINANCIAL REPORT

FOR THE FISCAL YEAR ENDED MARCH 31, 1966

GRAHAM AND FARBER
CERTIFIED PUBLIC ACCOUNTANTS

GRAHAM AND FARBER
CERTIFIED PUBLIC ACCOUNTANTS
1841 BROADWAY
NEW YORK 23, N.Y.
CIRCLE 7-1491

LEWIS J. GRAHAM, C.P.A.
SHAURAIN FARBER, C.P.A.

May 12, 1966

Taxi Weekly, Inc.
161 West 54 Street
New York, N.Y. 10019

Gentlemen:

We have audited the books and records of the corporation for the fiscal year ended March 31, 1966 and present herewith a financial report thereon, consisting of the following:

Exhibit "A" - Balance Sheet as of March 31, 1966

Exhibit "B" - Profit and Loss Statement for the fiscal years ended March 31, 1966 and 1965

Supporting Schedules

The report was prepared from the books and records of the corporation, with no independant verification of assets or liabilities by direct communication with outside sources.

We may not, therefore, under current accounting practice, express an opinion regarding the statements.

Respectfully submitted,

Graham & Farber

TAXI WEEKLY, INC.

BALANCE SHEET
AS OF MARCH 31, 1966

EXHIBIT "A"

A S S E T S

Current Assets:				
Cash in Bank				$ 341.05
N.Y. State Franchise Tax Refunds				152.97
Accounts Receivable			$4,784.41	
Less: Reserve for Commissions and Discounts			570.00	4,214.41
Total Current Assets				4,708.43
	Cost	Reserve for Depreciation	Remaining Cost	
Fixed Assets:				
Furniture and Fixtures	$4,291.79	$3,709.94	$581.85	
Leasehold Improvements	2,349.37	2,349.37		
Machinery and Equipment	1,015.66	939.47	76.19	
Totals	$7,656.82	$6,998.78		658.04
Other Assets:				
Security and Other Deposits			420.00	
Deferred Charges			988.02	
Total Other Assets				1,408.02
TOTAL ASSETS				$6,774.49

LIABILITIES AND CAPITAL

Liabilities:			
Accounts Payable and Accrued Expenses (Schedule A-I)		841.64	
Payroll and Withholding Taxes Payable		410.65	
Circulation Prepaid - Taxi Industry	$618.00		
Taxi Weekly	782.00	1,400.00	
Loan Payable - L. Peterman		200.00	
Total Liabilities			$2,852.29
Capital:			
Capital Stock		300.00	
Earned Surplus (Schedule A-II)		3,622.20	
Total Capital			3,922.20
TOTAL LIABILITIES AND CAPITAL			$6,774.49

Subject to comments in letter of transmittal.

TAXI WEEKLY, INC.

SCHEDULES - EXHIBIT "A"
AS OF MARCH 31, 1966

ACCOUNTS PAYABLE AND ACCRUED EXPENSES - SCHEDULE A-I:

Electricity	$ 31.17
Telephone	155.45
Compen. ation Insurance	60.00
Paper	151.20
Accounting	166.67
Trucking	32.00
Payroll	188.08
Sundry	57.07
TOTAL	$841.64

EARNED SURPLUS - SCHEDULE A-II:

Earned Surplus as of April 1, 1965 and March 31, 1966		$14,294.62
Shareholders' Undistributed Taxable Income:		
Balance as of April 1, 1965	$ 337.43	
Less: Net Loss for the fiscal year ended March 31, 1966 (Exhibit "B")	11,009.85	
Balance - March 31, 1966		10,672.42
COMBINED BALANCE AS OF MARCH 31, 1966		$ 3,622.20

TAXI WEEKLY, INC.

COMPARATIVE PROFIT AND LOSS STATEMENTS
FOR THE FISCAL YEARS ENDED MARCH 31, 1966 AND 1

	Fiscal Year Ended March 31, 1966		
	Taxi Weekly	Taxi Industry	Total
Gross Advertising Income (Schedule B-I)	$17,453.42	$40,958.05	$58,411.47
Less: Commissions, Discounts and Rebates	1,535.50	5,827.01	7,362.51
Net Advertising Income	15,917.92	35,131.04	51,048.96
Circulation Income (Schedule B-I)	1,227.63	926.50	2,154.13
	17,145.55	36,057.54	53,203.09
Less: Printing and Paper	14,557.70	13,021.81	27,579.51
Gross Profit	$ 2,587.85	$23,035.73	25,623.58
Add: Sundry Income			
Total Income			25,623.58
Expenses:			
Payroll Expenses:			
Salaries (Excluding Officers)		15,070.71	
Payroll Taxes		1,118.00	
Total		16,188.71	
Circulation, Editorial and Advertising Expense (Schedule B-II)		5,606.24	
General and Administrative Expenses (Schedule B-III)		13,638.48	
Total Expenses			35,433.43
Net Profit or Loss (Before Officers' Salaries)			9,809.85
Officers' Salaries - S.L. Peterman			
A. Weisinger			
J. Peterman			1,200.00
NET PROFIT OR LOSS			* $11,009.85

* The corporation has elected to be treated as a tax option corporation. The net loss shown above is therefore deductible by the shareholder to the extent of his basis.

Subject to comments in letter of transmittal.

EKLY, INC.

T AND LOSS STATEMENTS
DED MARCH 31, 1966 AND 1965

EXHIBIT "B"

Ended March 31, 1966		Fiscal Year Ended March 31, 1965		
Taxi Industry	Total	Taxi Weekly	Taxi Industry	Total
$40,958.05	$58,411.47	$44,105.33	$41,070.93	$85,176.26
5,827.01	7,362.51	5,383.66	6,641.84	12,025.50
35,131.04	51,048.96	38,721.67	34,429.09	73,150.76
926.50	2,154.13	19,605.60	1,129.30	20,734.90
36,057.54	53,203.09	58,327.27	35,558.39	93,885.66
13,021.81	27,579.51	15,269.73	17,867.28	33,137.01
$23,035.73	25,623.58	$43,057.54	$17,691.11	60,748.65
				29.10
	25,623.58			60,777.75
15,070.71			16,305.36	
1,118.00			1,286.26	
16,188.71			17,591.62	
5,606.24			6,139.53	
13,638.48			12,016.72	
	35,433.43			35,747.87
	9,809.85			25,029.88
			17,390.00	
			3,540.00	
	1,200.00		1,200.00	22,130.00
•	$11,009.85			$ 2,899.88

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to the extent of

of transmittal.

COMPARATIVE INCOME ANALYSIS
FOR THE FISCAL YEARS ENDED MARCH 31, 1966 AND 1

	Current - Fiscal Year Ended March 31, 1966 (52 Weeks)			Prior - Fisc March 3 (52 W	
	Total	Taxi Weekly	Taxi Industry	Total	T We
April	$ 6,286.	$ 2,117.	$ 4,169.	$ 7,525.	$ 4
May	5,661.	* 2,197.	3,464.	8,629.	4
June	4,760.	1,472.	3,288.	7,191.	* 4
July	1,239.	1,239.		6,870.	3
August	5,620.	* 1,927.	3,693.	6,649.	* 4
September	4,406.	1,225.	3,181.	6,162.	3
October	5,344.	1,279.	4,065.	9,113.	3
November	5,467.	* 1,427.	4,040.	9,337.	* 5
December	4,918.	999.	3,919.	5,037.	2
January	5,099.	* 1,362.	3,737.	6,229.	2
February	5,154.	1,110.	4,044.	5,895.	2
March	4,457.	1,099.	3,358.	6,539.	* 2
TOTAL	$58,411.	$17,453.	$40,958.	$85,176.	$44

	Current - Fiscal Year Ended March 31, 1966			Prior - Fisc March 3	
	Total	Taxi Weekly	Taxi Industry	Total	Ta We
April	$ 81.	$ 70.	$ 11.	$ 3,181.	$ 3
May	115.	* 74.	41.	3,360.	3
June	141.	112.	29.	4,000.	* 3
July	91.	47.	44.	2,697.	2
August	130.	* 85.	45.	2,169.	* 2
September	152.	79.	73.	1,389.	1
October	122.	116.	6.	1,186.	1
November	182.	* 128.	54.	901.	*
December	183.	98.	85.	307.	
January	148.	* 98	50.	254.	
February	170.	130.	40.	158.	
March	224.	189.	35.	178.	*
Total	1,739.	1,226.	513.	19,820.	19
Deferred Circulation:					
Adjustments:					
Deferred at beginning of year	1,815.	784.	1,031.	2,730.	1
Deferred at end of year	1,400.	782.	618.	1,815.	—
Net Addition to Income	415.	2.	413.	915.	—
TOTAL	$2,154.	$1,228.	$926.	$20,735.	$19

*Five week month.

EKLY, INC.

INCOME ANALYSIS
ED MARCH 31, 1966 AND 1965

SCHEDULE B-I

d	Prior - Fiscal Year Ended March 31, 1965 (52 Weeks)		
ry	Total	Taxi Weekly	Taxi Industry
9.	$ 7,525.	$ 4,547.	$ 2,978.
4.	8,629.	4,536.	4,093.
8.	7,191.	* 4,496.	2,695.
	6,870.	3,512.	3,358.
3.	6,648.	* 4,40[illegible].	2,245.
1.	6,162.	3,121.	3,041.
5.	9,113.	3,965.	5,148.
0.	9,337.	* 5,182.	4,155.
9.	5,037.	2,497.	2,540.
7.	6,229.	2,930.	3,299.
4.	5,895.	2,395.	3,500.
8.	6,539.	* 2,520.	4,019.
8.	$85,175.	$44,105.	$41,071.

ed	Prior - Fiscal Year Ended March 31, 1965		
i try	Total	Taxi Weekly	Taxi Industry
1.	$ 3,181.	$ 3,128.	$ 53.
1.	3,360.	3,324.	36.
9.	4,000.	* 3,957.	43.
4.	2,697.	2,656.	41.
5.	2,169.	* 2,164.	5.
3.	1,389.	1,347.	42.
6.	1,186.	1,156.	30.
4.	901.	* 837.	64.
5.	307.	260.	47.
0.	294.	229.	65.
0.	158.	131.	27.
5.	178.	* 139.	39.
3.	19,820.	19,328.	492.
1.	2,730.	1,062.	1,668.
8.	1,815.	784.	1,031.
3.	915.	278.	637.
6.	$20,735.	$19,606.	$1,129.

TAXI WEEKLY, INC.

COMPARATIVE INCOME ANALYSIS
FOR THE FISCAL YEARS ENDED MARCH 31, 1966 AND 19

	Current - Fiscal Year Ended March 31, 1966 (52 Weeks)			Prior - Fisca March 31 (52 We
	Total	Taxi Weekly	Taxi Industry	Total
April	$ 6,286.	$ 2,117.	$ 4,169.	$ 7,525.
May	5,661.	* 2,197.	3,464.	8,629.
June	4,760.	1,472.	3,288.	7,191.
July	1,239.	1,239.		6,870.
August	5,620.	* 1,927.	3,693.	6,649.
September	4,406.	1,225.	3,181.	6,162.
October	5,344.	1,279.	4,065.	9,113.
November	5,467.	* 1,427.	4,040.	9,337.
December	4,918.	999.	3,919.	5,037.
January	5,099.	* 1,362.	3,737.	6,229.
February	5,154.	1,110.	4,044.	5,895.
March	4,457.	1,099.	3,358.	6,539.
TOTAL	$58,411.	$17,453.	$40,958.	$85,176.

	Current - Fiscal Year Ended March 31, 1966			Prior - Fisc March 3
	Total	Taxi Weekly	Taxi Industry	Total
April	$ 81.	$ 70.	$ 11.	$ 3,181.
May	115.	* 74.	41.	3,360.
June	141.	112.	29.	4,000.
July	91.	47.	44.	2,697.
August	130.	* 85.	45.	2,169.
September	152.	79.	73.	1,389.
October	122.	116.	6.	1,186.
November	182.	* 128.	54.	901.
December	183.	98.	85.	307.
January	148.	* 98	50.	294.
February	170.	130.	40.	158.
March	224.	189.	35.	178.
Total	1,739.	1,226.	513.	19,820.
Deferred Circulation:				
Adjustments:				
Deferred at beginning of year	1,815.	784.	1,031.	2,730.
Deferred at end of year	1,400.	782.	618.	1,815.
Net Addition to Income	415.	2.	413.	915.
TOTAL	$2,154.	$1,228.	$926.	$20,735.

*Five week month.

KLY, INC.

INCOME ANALYSIS
D MARCH 31, 1966 AND 1965

SCHEDULE B-I

	Prior - Fiscal Year Ended March 31, 1965 (52 Weeks)		
ry	Total	Taxi Weekly	Taxi Industry
9.	$ 7,525.	$ 4,547.	$ 2,978.
4.	8,629.	4,536.	4,093.
9.	7,191.	* 4,496.	2,695.
	6,870.	3,512.	3,358.
3.	6,649.	* 4,404.	2,245.
1.	6,162.	3,121.	3,041.
5.	9,113.	3,965.	5,148.
0.	9,337.	* 5,182.	4,155.
9.	5,037.	2,497.	2,540.
7.	6,229.	2,930.	3,299.
4.	5,895.	2,395.	3,500.
8.	6,539.	* 2,520.	4,019.
8.	$85,176.	$44,105.	$41,071.

ed	Prior - Fiscal Year Ended March 31, 1965		
d try	Total	Taxi Weekly	Taxi Industry
11.	$ 3,161.	$ 3,120.	$ 53.
41.	3,360.	3,324.	36.
29.	4,000.	* 3,957.	43.
44.	2,697.	2,656.	41.
45.	2,169.	* 2,164.	5.
73.	1,389.	1,347.	42.
6.	1,186.	1,156.	30.
54.	901.	* 837.	64.
85.	307.	260.	47.
50.	294.	229.	65.
40.	158.	131.	27.
35.	178.	* 139.	39.
13.	19,820.	19,328.	492.
31.	2,730.	1,062.	1,668.
18.	1,815.	784.	1,031.
13.	915.	278.	637.
26.	$20,735.	$19,606.	$1,129.

TAXI WEEKLY, INC.

SCHEDULES - EXHIBIT "B"
FOR THE FISCAL YEAR ENDED MARCH 31, 1966

CIRCULATION, EDITORIAL AND ADVERTISING EXPENSES - SCHEDULE B-II:

Postage	$3,671.18
Cuts and Art Work	543.28
Trucking	306.00
Stories and Correspondents	286.00
Supplies	351.23
Messenger Service	48.10
Newspapers	254.24
Rental - Pitney Bowes	64.41
Mailing Lists	9.80
Standard Rate and Data	72.00
TOTAL	$5,606.24

GENERAL AND ADMINISTRATIVE EXPENSES - SCHEDULE B-III:

Rent	$ 3,150.00
Travel and Entertainment	1,034.14
Repairs and Maintenance	67.63
Stationery and Printing	128.36
Accounting and Legal	1,750.00
Employees Hospitalization	658.62
Electricity	159.82
Telephone and Telegrams	933.84
General Expenses	697.59
Dues and Subscriptions	43.45
Want Ads Advertising	586.47
Depreciation - Furniture and Equipment	241.96
Leasehold Improvements	352.42
Machinery	52.67
Christmas Expense	126.06
Insurance	307.85
N.Y. City Gross Receipts Tax	73.31
N.Y. City Rent and Occupancy Taxes	163.50
Promotional Expenses	66.00
Bad Debts	3,172.76
N.Y. State Franchise Tax	127.97
TOTAL	$13,638.48

Defendants' Exhibit S

1594 a

CT-4

NEW YORK STATE CORPORATION FRANCHISE TAX REPORT
ARTICLE 9A, TAX LAW

Based on Calendar Year 1962, or Fiscal Year Ended March 31, 1963

COPY

File with Corporation Tax Bureau, Albany 1, N.Y. for calendar year 1962, on or before March 15, 1963. For fiscal years ended - 1963 within 2½ months after close of fiscal year.

This form is for corporations having only Business Capital and no place of business outside New York State. Corporations with Investment or Subsidiary Capital or places of business outside New York State must file Form CT-3.

Please read instructions on Page 2 before preparing this report

Name of Corporation: Taxi Weekly, Inc.

Number and Street: 161 West 54 Street

City and State: New York 19, N.Y.

State or Country of Incorporation: New York — Date Incorporated: Mar. 22, 1945

Began business in New York State: Apr. 1, 1945 — Business group code number: 272

Principal business activity (per Federal return / See special instruction on back): Trade Publications

Remittance $

SCHEDULE A – TAXPAYER'S CALCULATION OF TAX – Pay one-half of tax on filing report. The minimum payment may not be less than $25.00 The entire tax may be paid with the report. See Instruction 3. Enter amount paid →

1. Entire Net Income (Sch. B, line 6)	$ 655.97 × 5½%	$ 36.08	1
2. Total Capital (Sch. C, line 3, Col. c)	$ 11777.28 × .001	$ 11.78	2
3. Alternative Tax 30% x (Sch.B, line 6+Total in Sch.D, line 1-$15,000) × 5½%		$ 486.02	3
4. Minimum Tax		$ 25.00	4
5. Amount of Tax Due (Line 1, 2, 3 or 4, whichever amount is largest)		$ 486.02	P

SPACE ABOVE FOR BUREAU USE

SCHEDULE B – COMPUTATION OF ENTIRE NET INCOME

1. Federal Taxable Income before net operating loss deduction (line 28, page 1, of Federal return)		$ 169.95
2. New York Franchise Tax deducted in computing Federal Taxable Income		486.02
3a. Interest to stockholders (See Instruction 5)	$ NONE	
b. Less 10% or $1000, whichever is larger		
c. Interest remainder (Line 3a less line 3b). Enter amount here →		$
4. Total of lines 1, 2, and 3c		655.97
5. New York net operating loss deduction (See Instruction 6)		
6. Entire Net Income (Line 4 less line 5) (See Instruction 6)		$ 655.97
7. Total Receipts (line 2 plus line 11 of Federal return)	$ 142,218.96	
8. Compensation of officers deducted on Federal return	$ 43800.00	
9. Interest deducted on Federal return	$ NONE	

SCHEDULE C – COMPUTATION OF CAPITAL – Enter amounts in columns a and b from Schedule L of Federal return. Read instructions 7 and 8 before making entries on this Schedule.

	(a) Beginning of year	(b) End of year	(c) Average fair market value
1. Total Assets	$ 24002.46	$ 23118.38	$ 23560.42
2. Current Liabilities	12910.15	11256.12	11783.14
3. Total Capital (Line 1, col. c less line 2, col. c) →			$ 11777.28
4. Issued Capital Stock	$ 300.00	$ 300.00	
5. Paid in capital, Surplus, and Surplus Reserves	11392.31	11562.26	
6. Depreciable Assets and Land	3741.49	2732.27	

SCHEDULE D – OFFICERS (appointed or elected) AND CERTAIN STOCKHOLDERS
Include (1) all officers, whether or not receiving any compensation, and (2) every stockholder of record, and every beneficial owner of stock, owning in excess of 5% of taxpayer's issued capital stock who received any compensation. Attach rider if necessary.

Name and Address – Give actual residence	Official Title	Salary & All Other Compensation Received from Corporation
Abraham Weisinger, 161 W. 54 St., N.Y.C.	Pres.	$ 22850.00
Seymour L. Peterman, 58 Barrow St., N.Y.C.	Secy.-Treas.	19500.00
Joseph Peterman, 291 Beach 15 St., Far Rockaway, NY	Ass't. Secy.	12000.00
1. TOTAL (including any amount on rider.) →		$ 43800.00

SCHEDULE E – FINAL DETERMINATION OF INCOME BY FEDERAL GOVERNMENT

1. Has the income reported to the Federal Government by the reporting corporation or by any corporation purchased, merged or consolidated with the reporting corporation been finally determined and not previously reported? N.O.
2. If answer to 1 above is "Yes"
   a. Attach photostatic or certified copy of Adjustments to Income and Explanation of Items from Federal revenue agent's report.
   b. If there was a net overassessment, attach copy of Notice of Adjustment, Federal Form 1331.
   c. Attach your calculation of franchise tax correction required because of Federal change in income.

Note: Changes made in any prior year income by the Federal Government not reported to New York State for Corporation Tax purposes should be reported now to avoid maximum penalty which can be levied if such changes are discovered on examination.

CERTIFICATION OF AN ELECTED OFFICER OF THE CORPORATION

I hereby certify that this report, including any accompanying rider, is to the best of my knowledge and belief a true, correct and complete report.

Signature of officer _____ official title _____ date _____

CT-4

NEW YORK STATE CORPORATION FRANCHISE TAX REPORT
ARTICLE 9A, TAX LAW
BASED ON CALENDAR YEAR 1963
or Fiscal Year Ended March 31 1964

COPY

File with Corporation Tax Bureau, Albany, N. Y. 12775 for calendar year 1963, on or before March 15, 1964. For fiscal years ended in 1964 within 2½ months after close of fiscal year.

This form is for corporations having only Business Capital and no place of business outside New York State. Corporations with Investment or Subsidiary Capital or places of business outside New York State must file Form CT-3.

Please read instructions on Page 7 before preparing this report.

Name of Corporation TIXI WEEKLY, INC

Number and Street 161 WEST 54 STREET

City and State NEW YORK 19, NY

State or Country of Incorporation NEW YORK Date Incorporated MARCH 27, 1945

Began business in New York State 4/1/45 Business group code number 2712

Principal business activity (per Federal return / See special instruction on back) TIME PUBLICATIONS

SCHEDULE A — TAXPAYER'S CALCULATION OF TAX — Pay full tax with report.
Make remittance payable to Corporation Tax Bureau.

			Enter amount paid →	Remittance (Sch. A, Item 5)
1. Entire Net Income (Sch. B, line 6)	$ 6915.25	x 5½%	$ 380 34	1
2. Total Capital (Sch. C, line 3, Col. c)	$ 14947.22	x .001	$ 14 95	2
3. Alternative Tax 30% x (Sch. B, line 6 + Total in Sch. D, line 1 - $15,000) x 5½%			$ 706 78	3
4. Minimum Tax			$ 25 00	4
5. Amount of Tax Due (Line 1, 2, 3 or 4, whichever amount is largest)			$ 706 78	P

STAMP ABOVE FOR BANK USE

SCHEDULE B — COMPUTATION OF ENTIRE NET INCOME

1. Federal Taxable Income before net operating loss deduction and special deductions		$ 6169 91
2. New York Franchise Tax deducted in computing Federal Taxable Income		745 34
3a. Interest to stockholders (See Instruction 4)	$ NONE	
b. Less 10% or $1000, whichever is larger		
c. Interest remainder (Line 3a less line 3b). Enter amount here →		$ NONE
4. Total of lines 1, 2, and 3c		6915 25
5. New York net operating loss deduction (See Instruction 5)		
6. Entire Net Income (Line 4 less line 5) (See Instruction 6)		$ 6915 25
7. Total Receipts (Total income plus cost of goods sold from Federal report)	$ 153219 90	
8. Compensation of officers deducted on Federal return	$ 50920 00	
9. Interest deducted on Federal return	$ NONE	

SCHEDULE C — COMPUTATION OF CAPITAL — Enter amounts in columns a and b from balance sheet of Federal return. Read instructions 7 and 8 before making entries on this Schedule.

	(a) Beginning of year	(b) End of year	(c) Average fair market value
1. Total Assets	$ 23118 38	$ 25256 03	$ 24187 21
2. Current Liabilities	11256 12	7223 86	9239 99
3. Total Capital (Line 1, col. c less line 2, col. c) →			$ 14947 22
4. Issued Capital Stock	$ 300 00	$ 300 00	
5. Paid in capital, Surplus, and Surplus Reserves	11562 26	17732 17	
6. Depreciable Assets and Land	2732 27	2097 79	

SCHEDULE D — OFFICERS (appointed or elected) AND CERTAIN STOCKHOLDERS
Include (1) all officers, w. other or not receiving any compensation, and (2) every stockholder of record, and every beneficial owner of stock, owning in excess of 5% of taxpayer's issued capital stock who received any compensation. Attach rider if necessary.

Name and Address — Give actual residence	Official Title	Salary & All Other Compensation Received from Corporation
ABRAHAM WEISLINGER, 161 W. 54 ST, NYC	PRES.	$ 25360 00
SEYMOUR PATTERMAN, 58 BEEKMAN ST NYC	SEC - TREAS.	24360 00
JOSEPH PATTERMAN, 291 BEACH 15 ST. FAR ROCKAWAY, NY	ASS'T. SEC'Y	1200 00
1. TOTAL (including any amount on rider.) →		$ 50920 00

SCHEDULE E — FINAL DETERMINATION OF INCOME BY FEDERAL GOVERNMENT

1. Has the income reported to the Federal Government by the reporting corporation or by any corporation purchased, merged or consolidated with the reporting corporation been finally determined and not previously reported? NO
2. If answer to 1 above is "Yes"
   a. Attach photostatic or certified copy of Adjustments to Income and Explanation of Items from Federal revenue agent's report.
   b. If there was a net overassessment, attach copy of Notice of Adjustment, Federal Form 1331.
   c. Attach your calculation of franchise tax correction required because of Federal change in income.

Note: Changes made in any prior year income by the Federal Government not reported to New York State for Corporation Tax purposes should be reported now to avoid maximum penalty which can be levied if such changes are discovered on examination.

CERTIFICATION OF AN ELECTED OFFICER OF THE CORPORATION

I hereby certify that this report, including any accompanying rider, is to the best of my knowledge and belief a true, correct and complete report.

GWT

Signature of officer — Official title — Date

Defendants' Exhibit U

1596 a

CT-4

COPY

NEW YORK STATE CORPORATION FRANCHISE TAX REPORT
ARTICLE 9A, TAX LAW

BASED ON CALENDAR YEAR 1964
or Fiscal Year Ended March 31 1965

File with Corporation Tax Bureau, State Campus, Albany, N. Y. 12226 for calendar year 1964, on or before March 15, 1965. For fiscal years ended in 1965 within 2½ months after close of fiscal year.

This form is for corporations having only Business Capital and no places of business outside New York State. Corporations with investment or Subsidiary Capital or places of business outside New York State must file Form CT-3.

Please read instructions on Page 2

Name of Corporation Taxi Weekly, Inc. (Please Print or Type)

Number and Street 161 West 54 Street

City and State New York, N.Y. 10019

State or Country of Incorporation N.Y. Date Incorporated March 22, 1945

Began business in New York State 4-1-45 Business group code number 2712

Principal business activity (per Federal return See special instruction on back) Trade Publications

Remittance

SCHEDULE A — TAXPAYER'S CALCULATION OF TAX and INSTALLMENT PAYMENTS ON ESTIMATED TAX — Pay amount shown at Line 9. Make remittance payable to Corporation Tax Bureau.

ENTER AMOUNT PAID → $ 168.81

1. Net Income (Sch. B, line 10)	$ 3,069.33 x 5½%	$ 168 81
2. Total Capital (Sch. C, line 3, Col. c)	$ 16,482.11 x .001	$ 16 48
3. Alternative 30% x (Sch. B, line 10 + Total in Sch. D, line 1 - $15,000) x 5½%		$ 168 29
4. Minimum		$ 25 00
5. Tax (Line 1, 2, 3 or 4, whichever is largest)		$ 168 81
6. If Line 5 is over $1000, Cal. yr. corp. enter 50% of Line 5; Fisc. yr. corp. enter 45% of Line 5		$
7. Total (Line 5 plus Line 6)		$ 168 81
8. Payments on Estimated Tax		$
9. Balance due (Line 7 less Line 8)		$ 168 81
10. Overpayment (Line 8 less Line 7)		$

SCHEDULE B — COMPUTATION OF ENTIRE NET INCOME

1. Federal Taxable Income before net operating loss deduction and special deductions	$ 2,899 88
2. New York Franchise Tax deducted in computing Federal Taxable Income	$ 169 45
3a. Interest to stockholders (See Instruction 4)	$
b. Less 10% or $1000, whichever is larger	$ None
c. Interest remainder (Line 3a less Line 3b). Enter amount here	$
4. Total of Lines 1, 2 and 3c	$ 3,069 33
5. New York net operating loss deduction (See Instruction 5)	$
6. Entire Net Income (Line 4 less Line 5) (See Instruction 6)	$ 3,069 33
Optional depreciation	
7. Federal depreciation on qualified New York property (See Instruction 7)	$
8. Total of Lines 6 and 7	$
9. Optional depreciation on qualified New York property (See Instruction 7)	$
10. Taxable Net Income (Line 8 less Line 9)	$ 3,069 33

SCHEDULE B-1 — ADDITIONAL INFORMATION

1. Total Receipts (Total income plus cost of goods sold from Federal report)	$ 105,940 26
2. Compensation of officers deducted on Federal return	$ 22,130 00
3. Interest deducted on Federal return	$ None
4. Total optional depreciation on qualified New York Property (See Inst. 7)	$
5. Optional depreciation unused-carryovers to future years (Line 4 less Line 9 Sched. B)	$

SCHEDULE C — COMPUTATION OF CAPITAL — Enter amounts in columns a and b from balance sheet of Federal return. Read instructions 8 and 9 before making entries.

	(a) Beginning of year	(b) End of year	(c) Average fair market value
1. Total Assets	$ 25,256 03	$ 22,174 06	$ 23,715 05
2. Current Liabilities	7,223 86	7,242 01	7,232 94
3. Total Capital (Line 1, col. c less line 2, col. c)			$ 16,482 11
4. Issued Capital Stock	$ 300 00	$ 300 00	
5. Paid in capital, Surplus, and Surplus Reserves	17,732 17	14,632 05	
6. Depreciable Assets and Land	2,097 89	1,305 09	

SCHEDULE D — OFFICERS (appointed or elected) AND CERTAIN STOCKHOLDERS

Include all officers, whether or not receiving any compensation, and every stockholder owning more than 5% of taxpayer's issued capital stock who received any compensation.

Name and Address — Give actual residence (Attach rider if necessary.)	Official Title	Salary & All Other Compensation Received from Corporation
Seymour L. Peterman, 58 Barrow St., NY, NY	Pres.	$ 17,390 00
Abraham Weisinger, Box 752, Montauk, LI	Former Pres.	3,540 00
Joseph Peterman, 291 Beach 15.St., Far Rockaway, NY	Asst.Secy.	1,200 00
Henry Margoshes, 150 Broadway, NY, NY	Secy.	None
1. TOTAL (including any amount on rider.)		$ 22,130 00

SCHEDULE E — FINAL DETERMINATION OF INCOME BY FEDERAL GOVERNMENT (See Instruction 10)

Has the income reported to the Federal Government by this corporation or by any corporation merged or consolidated with it been finally determined and not previously reported? No

CERTIFICATION OF AN ELECTED OFFICER OF THE CORPORATION

I hereby certify that this report (including any accompanying rider, is to the best of my knowledge and belief a true, correct and complete report.

COPY

Signature of officer | official title | date

CT.4

NEW YORK STATE CORPORATION FRANCHISE TAX REPORT
ARTICLE 9A, TAX LAW
BASED ON CALENDAR YEAR 1965
or Fiscal Year Ended March 31 1966

File with Corporation Tax Bureau, State Campus, Albany, N. Y. 12226 for calendar year 1965, on or before March 15, 1966. For fiscal years ended in 1966 within 2½ months after close of fiscal year.

This form is for corporations having only Business Capital and no place of business outside New York State. Corporations with Investment or Subsidiary Capital or places of business outside New York State must file Form CT-3.

Please read instructions on Page 2

Name of Corporation TAXI WEEKLY INC (Please Print or Type)

Number and Street 141 West 54 ST

City and State New York NY 10019

State or Country of Incorporation NY Date Incorporated 3-22-45

Began business in New York State 4-1-45 Business group code number 2712

Principal business activity (per Federal return See special instruction on back) Trade Publications

	Remittance
	$25.00

SCHEDULE A — TAXPAYER'S CALCULATION OF TAX and INSTALLMENT PAYMENTS ON ESTIMATED TAX — Pay amount shown at Line 12. Make remittance payable to Corporation Tax Bureau.

ENTER AMOUNT PAID →

1. Net Income (Sch. B, Line 8)	$ Loss	x 5½%	$ NONE
2. Total Capital (Sch. C, Line 3, Col. c)	$ 9527.12	x .001	$ 9.53
3. Alternative 30% x (Sch. B, line 6 + Total in Sch. D, line 1 - $15,000) x 5½% (Inst. 3)			$ NONE
4. Minimum			$ 25.00
5. Tax (Line 1, 2, 3 or 4, whichever is largest)			$ 25.00
6. If Line 5 is over $1000, Cal. yr. corp. enter 45% of Line 5, Fisc. yr. corp. enter 40% of Line 5			$
7. Total (Line 5 plus Line 6)			$ 25.00
8. Payments on Estimated Tax and/or application for extension			$
9. Balance due (Line 7 less Line 8)			$ 25.00
10. Interest (Instruction 5)			$
11. Penalty (Instruction 6)			$
12. Total Due (Lines 9 to 11 inclusive)			$ 25.00
13. Overpayment (Line 8 less Line 7) to be: Credited to period ended ____ 19__ →			$
Refunded →			$

SCHEDULE B — COMPUTATION OF ENTIRE NET INCOME

1. Federal Taxable Income before net operating loss deduction and special deductions		(11,004 93)
2. New York Franchise Tax deducted in computing Federal Taxable Income		(133 29)
3a. Interest to stockholders (Instruction 7)	$ NONE	
b. Less 10% or $1000, whichever is larger	$	—
c. Interest remainder (Line 3a less Line 3b). Enter amount here		—
4. Total of Lines 1, 2 and 3c		(11,137 22)
5. New York net operating loss deduction (Instruction 8)		
6. Entire Net Income (Line 4 less Line 5) (Instruction 9)		(11,137 22)
7. Optional Depreciation (Attach Rider) (Inst. 10)		
8. Taxable Net Income (Line 6 less Line 7)		(11,137 22)
9. If Industrial Waste Treatment Facility Deduction is claimed see Instruction 11		

SCHEDULE B-1 — ADDITIONAL INFORMATION

1. Total Receipts (Total income plus cost of goods sold from Federal report)	60,565 60
2. Compensation of officers deducted on Federal return	1200 00
3. Interest deducted on Federal return	NONE
4. Net Operating Loss Deduction claimed at Item 29a Federal Return (Attach Rider)	

SCHEDULE C — COMPUTATION OF CAPITAL — Enter amounts in columns a and b from balance sheet of Federal return. Read inst. 12 and 13.

	(a) Beginning of year	(b) End of year	(c) Average fair market value
1. Total Assets	$ 22,174 26	$ 7191 52	$ 14682 79
2. Current Liabilities	7242 61	3069 32	$ 5155 67
3. Total Capital (Line 1, col. c less Line 2, col. c) →			$ 9527 12
4. Issued Capital Stock	$ 300 00	$ 300 00	
5. Paid in capital, Surplus, and Surplus Reserves	14632 05	3622 20	
6. Depreciable Assets and Land	1305 09	658 04	

SCHEDULE D — OFFICERS (appointed or elected) AND CERTAIN STOCKHOLDERS — Include all officers, whether or not receiving any compensation, and every stockholder owning more than 5% of taxpayer's issued capital stock who received any compensation.

Name and Address — Give actual residence (Attach rider if necessary.)	Official Title	Salary & All Other Compensation Received from Corporation
Seymour L. Peterman, 175 W. 13 St NY, NY	Pres	—
Joseph D. Lemm, 291 Beach 15 St Far Rockaway, NY	Asst Secy	1200 00
Henry Margashes, 150 Broadway, NY, NY	Secy	—
1. TOTAL (including any amount on rider.) →		$ 1200 00

SCHEDULE E — FINAL DETERMINATION OF INCOME BY FEDERAL GOVERNMENT

Has the income reported to the Federal Government by this corporation or by any corporation merged or consolidated with it been finally determined and not previously reported? NO If "Yes", file CT-3360.

CERTIFICATION OF AN ELECTED OFFICER OF THE CORPORATION

I hereby certify that this report, including any accompanying rider, is to the best of my knowledge and belief a true, correct and complete report.

Signature of officer official title date

COPY

Defendants' Exhibit X1

D's Exh X1

1598 a

INCOME FROM TAXI WEEKLY

YEAR	APR.	MAY	JUNE	JULY	AUG.	SEP.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	
							*						
CIRCULATION													
'59	3,941.	3,374.	3,379.	3,947.	2,978.	3,697.	3,076.	3,191.	3,868.	3,642.	3,548.	4,336.	
'60	3,435.	3,440.	4,317.	3,807.	4,484.	5,964.	3,673.	4,578.	4,332.	4,448	3,469	3,436	
'61	3,417.	4,197.	3,486.	4,280.	3,314.	3,337.	4,067.	3,455.	4,297.	4,183	3,055	2,952	
'62	3,891.	3,072.	3,039.	3,813.	3,093.	3,189.	3,786.	3,057.	5,137.	4,105	3,558	3,377	
63	3,958.	3,387.	3,152.	3,940.	3,186.	4,025.	3,148.	3,126.	3,890.	3,442	3,304	3,972	
'64	3,128.	3,324.	3,957.	2,656.	2,164.	1,347.	1,156.	837.	260.	229	131	137	
'65	70.	74.	112.	47.	85.	79.	116.	128.	98.	98	130	189	
'66	142.	157.	97.	←149→		?	—	—	—	—	—	—	
ADVERTISING													
'59	5,511	5,033	4,753	4,151	2,521	6,368	5,751	5,015	7,083	4,208	4,685	4,932	
'60	4,368	5,051	5,548	3,443	3,910	2,876	6,138	5,475	8,222	3,895	3,293	3,533	
'61	3,752	4,549	4,128	4,475	3,203	3,028	8,027	4,235	6,816	4,628	3,353	4,233	
'62	4,812	3,692	3,308	4,131	2,442	2,561	7,319	5,348	8,068	3,325	3,702	4,997	
'63	4,914	4,451	4,381	5,248	3,945	6,418	8,283	5,926	8,303	3,522	3,492	5,187	
'64	4,547	4,536	4,496	3,512	4,404	3,121	3,965	5,182	2,497	2,930	2,395	2,520	
'65	2,117	2,197	1,472	1,239	1,427	1,225	1,279	1,427	999	1,362	1,110	1,099	
'66	800	1,174	949	723	1,098	930	—	—	—	—	—	—	

* Reported yearly totals in plaintiff's initial answers to the interrogatories herein were adjusted to take into account deferred income, a practice in periodical publishing because delivery of issues under a subscription does not necessarily coincide with the year in which payment therefor is received. The monthly figures hereinabove, however, are before any such adjustment, since plaintiff was not supplied by its accountant with a figure for each month by itself.

SCHEDULE 1

INCOME FROM INDIVIDUAL ADVERTISERS

DAVID GREENBERG

YEAR	APR.	MAY	JUNE	JULY	AUG.	SEP.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.
'59	—	—	—	—	—	—	—	—	—	—	—	—
'60	—	—	—	—	—	—	—	—	—	—	—	—
'61	—	—	—	—	—	—	—	—	—	—	—	—
'62	—	—	—	—	—	—	—	—	—	—	—	—
'63	—	—	—	—	—	—	—	—	—	—	—	—
'64	—	11.76	19.60	15.68	19.60	15.68	15.68	19.60	15.68	—	—	—
'65	—	—	—	—	—	—	—	—	—	—	—	—
'66	—	—	—	—	—	—	—	—	—	—	—	—

TREMONT CHEVROLET

'59	—	—	—	—	—	—	—	—	—	—	—	—
'60	—	—	—	—	—	—	—	—	—	—	—	—
'61	—	—	—	—	—	—	73.54	220.62	147.08	178.70	146.98	151.00
'62	188.75	113.25	151.00	75.50	—	67.50	173.75	139.00	173.75	139.00	139.00	139.00
'63	173.75	139.00	139.00	173.75	104.25	86.50	123.84	67.60	84.50	180.04	203.53	261.50
'64	209.20	209.20	261.50	—	—	—	—	—	—	—	—	—
'65	—	—	—	—	—	—	—	—	—	—	—	—
'66	—	—	—	—	—	—	—	—	—	—	—	—

BOB HIRSCH DODGE

'59	—	—	—	—	—	—	—	—	—	—	—	—
'60	—	—	—	—	—	—	—	—	—	—	—	—
'61	—	—	—	—	—	—	—	—	—	—	—	—
'62	—	—	—	—	—	50.00	125.00	100.00	125.00	100.00	100.00	100.00
'63	125.00	143.28	186.56	125.00	100.00	130.40	206.80	206.80	258.50	206.80	206.80	155.10
'64	50.00	50.00	75.00	50.00	50.00	102.00	150.00	187.50	150.00	112.50	75.00	75.00
'65	75.00	112.50	75.00	75.00	75.00	75.00	75.00	—	—	—	—	—
'66	—	—	—	—	—	—	—	—	—	—	—	—

ACE DODGE

YEAR	APR.	MAY	JUNE	JULY	AUG.	SEP.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.
'59	84.00	67.20	67.20	64.00	67.20	84.00	67.20	67.20	84.00	76.80	67.20	84.00
'60	67.20	67.20	84.00	67.20	84.00	67.20	67.20	84.00	67.20	67.20	33.60	33.60
'61	33.60	42.00	33.60	42.00	33.60	33.60	42.00	33.60	33.60	49.00	9.80	—
'62	—	—	—	—	—	—	—	52.00	52.00	153.00	204.00	204.00
'63	255.00	204.00	204.00	204.00	54.50	163.50	218.00	243.68	304.60	243.68	243.68	304.60
'64	243.68	243.68	304.60	182.76	191.44	278.40	296.40	370.50	222.30	148.20	148.20	174.10
'65	100.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	—
'66	—	—	—	—	—	—	—	—	—	—	—	—

MELVIN GARAGE

YEAR	APR.	MAY	JUNE	JULY	AUG.	SEP.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.
'59	21.00	42.00	42.00	52.50	21.00	—	—	—	—	—	29.40	50.80
'60	47.04	47.04	58.80	47.04	58.80	47.04	47.04	58.80	47.04	58.80	47.04	47.04
'61	47.04	58.80	58.80	78.40	62.72	62.72	78.40	62.72	149.72	101.40	62.72	62.72
'62	78.40	62.72	62.72	78.40	62.72	62.72	78.40	62.72	78.40	62.72	62.72	145.36
'63	131.48	101.92	109.76	78.40	62.72	78.40	62.72	66 22	78.40	47.04	—	29.00
'64	116.00	116.00	145.00	116.00	91.72	62.72	62.72	39.20	11.76	—	—	—
'65	—	—	—	—	—	—	—	—	—	—	—	—
'66	—	—	—	—	—	—	—	—	—	—	—	—

MANHATTAN SPRING & CHASSIS CORP.

YEAR	APR.	MAY	JUNE	JULY	AUG.	SEP.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.
'59	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00
'60	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00
'61	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00
'62	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00
'63	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00
'64	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00	72.00
'65	72.00	72.00	72.00	72.00	72.00	72.00	24.30*	10.50	8.40	10.50	8.40	8.40
'66	8.40	10.50	8.40	8.40	10.50	8.40	—	—	—	—	—	—

* In October, 1965, display advertising was cancelled. Subsequent billings were for directory listings only.

HARRY'S FOR BRAKES

YEAR	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.
'59	27.	27.	27.	27.	27.	27	27.	27	27.	37.50	46.50	45.
'60	36	—	45.	36.	45.	36.	36	40.	36.	45.	36.	36.
'61	36.	45.	36.	45.	36.	36	45.	36	36.	45.	36.	36.
'62	45.	36.	36.	45.	36.	36.	45.	36.	45.	36.	36.	36.
'63	45.	36.	36.	45.	36.	45	36.	36.	45.	36.	36.	45.
'64	36	36.	45.	36.	45.	36.	36.	45	36.	36.	36	45.
'65	36	27.	18.	18.	27.	18	18.	18	18.	27.	18.	18.
'66	18.	18.	18.	18.	27	9	—	—	—	—	—	—

EFFICIENT INSTRUMENT CORP.

'59	52.50	42.	42.	136.	50	62.50	50	50.	62.50	68.	68.	85.
'60	68.	68.	85.	68.	85.	68	68	85.	68.	85.	68.	68.
'61	68.	70.20	53.20	56.	53.20	53.20	77.	53.20	53.20	56	53.20	53.20
'62	77.	53.20	53.20	56.	53.20	53.20	77.	53.20	56.	58.24	58.24	58.24
'63	84.56	58.24	58.24	61.04	58.24	84.56	58.24	58.24	61.04	58.24	58.24	84.56
'64	58.24	58.24	61.04	58.24	84.56	58.24	58.24	349.04	140.20	106.72	58.24	84.56
'65	58.24	61.04	11.20*	11.20	14.	11.20	11.20	14.	11.20	14.	11.20	11.20
'66	11.20	14.	11.20	11.20	14.	11.20	—	—	—	—	—	—

UNGER AUTO PARTS

'59	—	—	—	—	—	—	—	—	—	—	—	—
'60	—	—	—	—	—	—	—	—	—	—	—	—
'61	—	—	—	—	—	—	—	—	—	—	—	—
'62	—	—	—	—	—	—	—	—	—	—	—	—
'63	—	—	—	—	—	—	—	—	—	—	—	—
'64	—	15.68	15.68	15.68	15.68	15.68	15.68	15.68	15.68	15.68	15.68	15.68
'65	15.68	15.68	—	—	—	—	—	—	—	—	—	—
'66	—	—	—	—	—	—	—	—	—	—	—	—

*In June, 1965, display advertising was cancelled. Subsequent billings were for directory listings only.

YEAR	APR.	MAY	JUNE	JULY	AUG.	SEP.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.

GIL WALKER, INC.

'59	—	—	—	—	—	—	—	—	—	—	—	—
'60	—	—	—	—	—	—	—	—	—	—	—	—
'61	—	—	—	—	—	—	5.88	23.52	23.52	44.66	23.52	23.52
'62	29.40	23.52	23.52	29.40	23.52	23.52	29.40	23.52	29.40	23.52	23.52	23.52
'63	29.40	23.52	23.52	29.40	23.52	29.40	23.52	23.52	29.40	23.52	23.52	29.40
'64	23.52	23.52	29.40	23.52	29.40	23.52	—	—	—	—	—	—
'65	—	—	—	—	—	—	—	—	—	—	—	—
'66	—	—	—	—	—	—	—	—	—	—	—	—

MANNIE FOGLER

'59	—	—	—	—	—	—	—	—	—	—	—	—
'60	—	—	—	—	—	—	—	—	—	—	—	—
'61	—	—	—	—	—	—	—	—	—	—	—	—
'62	—	—	—	—	—	—	—	10.50	26.25	21.	21.	21.
'63	26.25	21.	21.	26.25	15.75	10.50	21.	20.58	25.20	20.16	20.16	25.20
'64	20.16	20.16	25.20	20.16	25.20	20.16	20.16	27.72	23.52	—	—	—
'65	—	—	—	—	—	—	—	—	—	—	—	—
'66	—	—	—	—	—	—	—	—	—	—	—	—

FUTURE MOTORS

'59	132.	111.50	108.	114.	108.	132.	171.99	152.88	235.20	181.44	198.24	288.96
'60	215.04	215.04	268.80	215.04	184.80	188.24	147.84	184.80	147.84	184.80	158.56	190.72
'61	190.72	238.40	190.72	241.90	144.72	190.72	238.40	229.12	246.56	284.16	190.72	378.04
'62	238.40	190.72	190.72	238.40	190.72	274.20	245.	196.	245.	203.84	196.	242.80
'63	477.	383.20	383.20	576.80	433.60	556.28	450.40	556.58	610.04	455.80	455.80	590.
'64	455.80	455.80	590.	455.80	590.	455.80	455.80	590.	178.48	313.76	90.72	—
'65	—	—	—	—	—	—	—	—	—	—	—	—
'66	—	—	—	—	—	—	—	—	—	—	—	—

YEAR	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.
CHRYSLER CORP. (DODGE DIVISION)												
'59	—	—	—	—	—	—	[illegible]	—	268.80	290.	145.	150.
'60	150.	150.	—	—	—	—	—	—	—	—	140.50	140.50
'61	—	104.50	313.50	209.	—	—	—	—	—	140.	—	420.
'62	—	—	—	—	—	—	140.	280.	—	—	—	—
'63	—	—	—	—	—	—	—	[illegible]	280.	—	—	140.
'64	280.	140.	—	—	—	—	280.	[illegible]	—	140.	140.	140.
'65	280.	140.	—	—	—	—	300	—	—	—	—	—
'66	—	—	—	—	—	—	—	—	—	—	—	—
CHRYSLER CORP. (PLYMOUTH DIVISION)												
'59	140.	140.	—				280.	—	—	—	—	—
'60	140.	140.	—			—	[illegible]	280.	140.	560.	560.	560.
'61	660.	—	—			—	[illegible]	280.	140.	280.	280.	280.
'62	420.	140.	—			—	[illegible]	420.	—	—	—	—
'63	—	—	—			140.	280.	280.	140.	—	—	—
'64	—	—	—	—	—	—	140.	140.	—	140.	140.	140.
'65	—	—	—	—	—	—	—	—	—	—	—	—
'66	—	—	—	—	—	—	—	—	—	—	—	—
KING FORD												
'59	512.50	410.	410.	512.50	205.	—	410.	410.	512.50	520.	520.	650.
'60	520.	453.	315.	262.	315.	262.	252.	315.	362.56	411.80	329.44	329.44
'61	329.44	411.80	329.44	411.80	329.44	329.44	411.80	329.44	329.44	411.90	329.52	329.52
'62	411.90	329.52	329.52	411.90	329.52	329.52	411.90	316.	395.	316.	316.	316.
'63	395.	497.	316.	395.	316.	395.	316.	316.	395.	380.	380.	475.
'64	380.	380.	475.	380.	524.	380.	380.	475.	380.	152.	—	—
'65	—	—	—	—	—	—	—	—	—	—	—	—
'66	—	—	—	—	—	—	—	—	—	—	—	—

ROCKWELL MFG. CO.

YEAR	APR.	MAY	JUNE	JULY	AUG.	SEP.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.
'59	33.88	44.38	47.88	68.32	47.88	51.38	47.88	47.88	68.32	52.50	52.50	56.
'60	52.50	45.50	75.25	52.50	56.	52.50	52.50	75.25	52.50	56.	52.50	52.50
'61	52.50	293.90	112.30	116.50	55.30	55.30	70.35	46.90	55.30	219.30	55.30	55.30
'62	78.75	205.30	55.30	59.50	55.30	205.30	78.75	55.30	59.50	55.30	55.30	55.30
'63	78.75	55.30	55.30	59.50	55.30	78.75	55.30	55.30	59.50	56.84	56.84	81.06
'64	56.84	56.84	41.02	176.82	41.02	36.82	36.82	41.02	36.82	56.84	206.84	81.06
'65	56.84	61.04	56.84	56.84	21.	36.82	36.82	41.02	36.82	21.*	16.80	16.80
'66	16.80	21.	16.80	16.80	21.	16.80	—	—	—	—	—	—

EBBETS FIELD DODGE

'59	—	—	—	—	—	—	—	—	—	—	—	—
'60	—	—	—	—	—	—	—	—	—	—	—	—
'61	—	—	—	—	—	—	—	—	—	—	—	—
'62	—	—	—	—	—	—	—	—	—	—	—	—
'63	—	—	—	—	—	99.50	198.	99.50	99.50	99.50	99.50	99.50
'64	149.25	199.	199.	199.	248.75	280.50	525.	328.25	197.	197.	197.	246.25
'65	197.	246.25	197.	98.50	—							
'66	—	—	—	—	—							

HENRY'S CHRYSLER PLYMOUTH

'59	—	—	—	—	—	—	—	—	—	—	—	—
'60	—	—	—	—	—	—	—	—	—	—	—	—
'61	—	—	—	—	—	—	—	—	—	—	—	—
'62	—	—	—	—	—	—	—	—	—	—	—	—
'63	—	—	—	—	—	—	—	—	—	—	—	216.
'64	216.	—	—	—	—	—	—	—	—	—	—	—
'65	—	—			—		—	—	—	—	—	—
'66	—	—	—	—	—	—	—	—	—	—	—	—

* In January, 1966, display advertising was cancelled. Subsequent billings were for directory listings only.

BAY RIDGE MAINTENANCE CORP.

YEAR	APR.	MAY	JUNE	JULY	AUG.	SEP.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.
'59	—	—	—	—	—	—	—	—	—	—	—	—
'60	—	—	—	—	—	—	—	—	—	—	—	—
'61	—	—	—	—	—	—	—	—	—	—	—	—
'62	—	—	—	7.50	10.	10.	12.50	10.	12.50	10.	10.	10.
'63	12.50	10.	10.	12.50	10.	12.50	10.	10.	12.50	10.	10.	12.50
'64	10.	10.	12.50	10.	12.50	10.	10.	12.50	10.	10.	10.	12.50
'65	10.	12.50	10.	10.	5.	—	—	—	—	—	—	—
'66	—	—	—	—	—	—	—	—	—	—	—	—

LONDAL OPERATING CORP.

YEAR	APR.	MAY	JUNE	JULY	AUG.	SEP.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.
'59	—	—	—	—	—	—	—	—	—	—	—	—
'60	—	—	—	—	—	—	—	—	—	—	—	—
'61	—	—	—	—	—	—	—	—	—	—	—	—
'62	—	—	—	—	—	—	—	—	—	—	—	—
'63	—	—	—	—	—	—	—	—	—	7.50	10.	12.50
'64	10.	10.	12.50	10.	12.50	10.	10.	12.50	10.	10.	10.	12.50
'65	10.	12.50	10.	10.	7.50	—	—	—	—	—	—	—
'66	—	—	—	—	—	—	—	—	—	—	—	—

ZONE OPERATING SERVICE

YEAR	APR.	MAY	JUNE	JULY	AUG.	SEP.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.
'59	—	—	—	—	—	—	—	—	—	—	—	—
'60	—	—	—	—	62.72	41.36	10.	12.50	10.	12.50	10.	10.
'61	10.	12.50	10.	12.50	10.	10.	12.50	10.	10.	12.50	10.	10.
'62	12.50	10.	10.	12.50	10.	10.	12.50	10.	12.50	10.	10.	10.
'63	12.50	10.	10.	12.50	10.	12.50	10.	10.	12.50	10.	10.	19.50
'64	10.	10.	12.50	10.	12.50	10.	39.	12.50	10.	10.	10.	12.50
'65	—	—	—	—	—	—	—	—	—	—	—	—
'66	—	—	—	—	—	—	—	—	—	—	—	—

WILLANN OPERATING CO.

YEAR	APR.	MAY	JUNE	JULY	AUG.	SEP.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	
'59	-	-	-	-	-	-	-	-	-	-	-	-	
'60	-	-	-	-	-	-	-	-	-	-	-	-	
'61	-	-	-	-	-	-	-	-	-	-	-	-	
'62	-	-	-	-	-	10.	12.50	10.	12.50	10.	10.	10.	
'63	12.50	10.	10	12.50	10.	12.50	10.	10.	12.50	10.	10.	12.50	
'64	10.	10.	12.50	10.	12.50	10.	10.	12.50	5.	-	-	-	
'65	-	-	-	-	-	-	-	-	-	-	-	-	
'66	-	-	-	-	-	-	-	-	-	-	-	-	

PUBLIC SERVICE MUTUAL INSURANCE CO.

59	-	-	-	-	-	125.	-	250.	125.	-	-	-	
'60	-	-	-	-	-	-	125.	-	400.	-	-	-	
'61	-	-	-	-	-	-	125.	-	400.	-	-	-	
'62	-	-	-	-	-	-	275.	275.	125.	-	-	-	
'63	-	-	-	-	-	-	275.	275.	125.	-	-	-	
'64	-	-	-	-	-	-	-	275.	-	-	-	-	
'65	-	-	-	-	-	-	-	-	-	-	-	-	
'66	-	-	-	-	-	-	-	-	-	-	-	-	

AMALGAMATED MUTUAL INSURANCE CO.

'59	-	-	-	-	-	250.	-	-	250.	-	-	-	
'60	-	-	-	-	-	-	275.	-	280.	-	-	-	
'61	-	-	-	-	-	-	275.	140.	140.	-	-	-	
'62	-	-	-	-	-	-	275.	-	275.	-	-	-	
'63	-	-	-	-	-	-	275.	-	280.	-	-	-	
'64	-	-	-	-	-	-	-	-	-	-	-	-	
'65	-	-	-	-	-	-	-	-	-	-	-	-	
'66	-	-	-	-	-	-	-	-	-	-	-	-	

YEAR	APR.	MAY	JUNE	JULY	AUG.	SEP.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.
SHAMROCK CASUALTY CO.												
'59	-	-	-	-	-	250.	-	275.	500.	-	-	-
'60	-	-	-	-	-	-	275.	-	830.	-	-	-
'61	-	-	-	-	-	-	825.	275.	275.	-	-	-
'62	-	-	-	-	-	-	275.	550.	275.	-	-	-
'63	-	-	-	-	-	-	275.	550.	275.	-	-	-
'64	-	-	-	-	-	-	-	-	-	-	-	-
'65	-	-	-	-	-	-	-	-	-	-	-	-
'66	-	-	-	-	-	-	-	-	-	-	-	-
EMPIRE MUTUAL INSURANCE CO.												
'59	-	-	-	-	-	125.	-	500.	125.	-	-	-
'60	-	-	-	-	-	-	125.	-	675.	-	-	-
'61	-	-	-	-	-	-	675.	-	125.	-	-	-
'62	-	-	-	-	-	-	125.	550.	125.	-	-	-
'63	-	-	-	-	-	-	140.	550.	140.	-	-	-
'64	-	-	-	-	-	-	-	-	-	-	-	-
'65	-	-	-	-	-	-	-	-	-	-	-	-
'66	-	-	-	-	-	-	-	-	-	-	-	-

INCOME FROM TAXICAB INDUSTRY/AUTO RENTAL NEWS

CIRCULATION *

YEAR	APR.	MAY	JUNE	JULY	AUG.	SEP.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.
'59	100	303	344	219	220	218	261	104	97	230	310	232
'60	166	296	195	124	69	362	215	321	194	140	52	366
'61	353	150	59	68	46	236	475	301	106	110	61	76
'62	54	48	33	26	56	66	58	19	846	1,176	174	116
'63	99	97	35	34	19	32	64	39	33	80	110	90
'64	53	36	43	41	5	42	30	64	47	65	27	39
'65	11	41	29	44	45	73	6	54	85	50	40	35
'66	26	90	16	← 47 →		2	2	—	—	—	—	—

ADVERTISING

YEAR	APR.	MAY	JUNE	JULY	AUG.	SEP.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.
'59	3,610	3,125	2,512	2,706	2,304	4,820	6,043	5,528	3,458	2,924	2,686	3,943
'60	3,853	4,292	3,139	3,127	2,048	2,883	8,276	5,513	2,974	3,046	3,045	2,822
'61	3,169	1,744	2,672	2,318	2,278	3,238	6,826	4,779	3,958	3,592	5,359	5,257
'62	4,241	4,496	2,786	2,721	2,902	3,666	5,121	4,297	3,370	3,584	2,743	3,588
'63	3,076	3,217	2,884	1,978	2,602	3,244	5,603	5,138	3,611	3,447	3,918	3,714
'64	2,978	4,093	2,695	3,358	2,245	3,041	5,148	4,155	2,540	3,299	3,500	4,019
'65	4,169	3,464	3,288	← 3,693 →		3,181	4,065	4,040	3,919	3,737	4,044	3,358
'66	3,917	3,661	4,632	← 3,658 →		2,408	4,253	—	—	—	—	—

* Reported yearly totals in plaintiff's initial answers to the interrogatories herein were adjusted to take into account deferred income, a practice in periodical publishing because delivery of issues under a subscription does not necessarily coincide with the year in which payment therefor is received. The monthly figures hereinabove, however, are before any such adjustment, since plaintiff was not supplied by its accountant with a figure for each month by itself.

SCHEDULE 3

...rold "hack" with ...ntenance program ...mal of dissent? ...one of these part... ...r file clerk in the ...personal liability ...senger is hurt . . . ...ward treasury that ...is slapped on him. ..."cab"? Who would ...e to operate? He

...er is a resounding ...don't make their ...whim and pleasure ...streets are covered ...ey are walking and

...come so emaciated ...ngth or vitality to ... And if the Telly

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...ce to know that he ...ne field as quickly

...which doesn't even ...s American League ...deep in the bottom

...ults, too, but so do ...et al, are still class, ...ld sweep them four

We wouldn't trade ...ould we trade New

SALE
MEDALLIONS
Goldman at
OLDMAN CO.
D GENERAL
URANCE
Hamilton Pkwy.
KLYN, N. Y.
GE 6-9398

...L NOTICE

...given that license number ...issued to the undersigned ...and Beer at retail in a ...the Alcoholic Beverage ...premises consumption at ...e, NYC A&B Bar & Grill

...N

...ered to

...only $4 more) ...only $3 more)

State ...

...0 ...9

both motorists and pedestrians are anticipated from the ...network," Commissioner Barto...

CLASSIFIED

If is has to do with taxicabs and you want the best possible results send us your classified ad: TAXI, Room 1100, 161 W. 54th St., N. Y. C. 19. Phone Circle 6-5390.

Rate: $3.50 for five lines or less, each additional line 70c. Figure seven average words to line.

When 3 consecutive insertions are ordered and paid in advance, you pay only for 2, get third insertion FREE. If you cancel by Wednesday before second insertion, you get refund, so you've paid only for first Ad.

WANTED: Driver to work single shift for individual owner, preferably Brooklyn. Call evenings, EV 5-6225 or HY 4-4775.

DRIVER WANTED, night shift, 5:30 p.m., to work with individual owner. Queens or Manhattan preferred. Terms arranged. Call LA 7-4642, from 5 p.m.-10 p.m.

WANTED: One driver for day line, 6:30 to 6:30, and one driver for night line, 6:30 to 6:30. OR driver for single shift. Safety Bonus, Christmas & vacation. Call GE 5-6164.

FOR SALE: 1961 Ford, no Medallion. All optional equipment. Best offer. Call LE 9-6164, after 6:30 p.m.

PARTNERSHIP WANTED with individual who has medallion. Call SL 6-8438, after 5 p.m. Brooklyn resident preferred.

FOR SALE: Cab with Medallion. Call mornings JE 9-6103.

WANTED: Cab with Medallion. Cash. Call CO 7-4491, between 2 p.m.-5 p.m.

FOR SALE: '63 Chevrolet, with Medallion and meter, air cond., 31,000 miles, single shifted. Call DE 6-4600, bet. 9 am-5 pm, HY 8-9306 after 5 p.m.

WANTED: Medallion and Clock (cab optional). All cash or weekly payments. Call WA 7-2227.

STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION, (Act of October 23, 1962; Section 4369, Title 39, United States Code).

1. Date of Filing: Oct. 1, 1963
2. Title of Publication: TAXI WEEKLY.
3. Frequency of issue: Weekly.
4. Location of known Office of Publication: 161 W. 54th St., New York, N. Y. 10019.
5. Location of the headquarters or general business offices of the publishers: 161 W. 54th St., New York, N. Y. 10019
6. Names and Addresses of Publisher, Editor, and Managing Editor.
Publisher: Les Peterman, 161 W. 54th St., New York, N. Y. 10019.
Editor: Les Peterman, 161 W. 54th St., New York, N. Y. 10019.
Managing Editor: None.
7. OWNER (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding 1 per cent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a partnership or other unincorporated firm, its names and address, as well as that of each individual must be given.)
Taxi Weekly Inc., 161 W. 54th St., New York, N. Y., 10019.
Abraham Weisinger, 161 W. 54th St., New York, N. Y., 10019.
Les Peterman, 161 W. 54th St., New York, N. Y., 10019
8. Known bondholders, mortgagees, and other security holders owning or holding 1 per cent of total amount of bonds, mortgages or other securities (If there are none, so state): None.
9. Paragraphs 7 and 8 include, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, also the statements in the two paragraphs show the affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner. Names and addresses of individuals who are stockholders of a corporation which itself if a stockholder or holder of bonds, mortgages or other securities of the publishing corporation have been included in paragraphs 7 and 8 when the interests of such individual's are equivalent to 1 per cent or more of the total amount of the stock or securities of the publishing corporation.
10. This item must be completed for all publications, except those which do not carry advertising other than the publisher's own and which are named in Sections 132.231, 132.232 and 132.233, Postal Manual (Sections 4355a, 4355b, and 4356 of Title 39, United States Code).

11. Paid Circulation	Average No. Copies Each Issue During Preceding 12 Months	Single issue Nearest to Filing Date
A. Total No. Copies (Net Press Run)	6,010	6,500
B. 1. To term subscribers by mail, carrier delivery or by other means	5,601	6,197
2. Sales through agents, news dealers or otherwise	None	None
C. Free distribution (including samples) by mail, carrier delivery or by other means	326	340
D. Total No. of copies distributed. (Sum of lines B1, B2 and C)	5,927	6,537

I certify that the statements made by me above are correct and complete.
Abraham Weisinger, Pres. - Les Peterman, Sec. Treas.

TROY - LEWIS AVENUES — northbound, from Winthrop St. to ... Ave.

SUMNER - ALBANY AVENUES — southbound, from Broadway to East New York Avenue. The balance of Albany Avenue is ...

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Def. ... EXHIBIT
J. S. DIST. COURT
S. D. OF N. Y.
AX - ...

TAXI WEEKLY
Monday
OCT. 14
1963
4-11

...s of our readers, we publish each week a listing of ...) Taxicabs operating in New York City, and a ... previous week and the previous year.
...se will be found in the last column of ALL* Taxi- ... model years operating in New York City.
...ase figures are unavailable are several dozen par- ...t Checkers and DeSoto Sky-Views from 1955 and ... still operating).

'61 MODEL CABS		'62 CABS	ALL* CABS
Latest List As of 10/1/62	Week Before As of 9/21/62	Year Before As of 10/2/61	Operating As of 10/1/62
45	36	—	3,980
10	—	61	3,327
—	—	205	1,135
—	—	—	1,959
—	—	—	923
—	—	—	322
—	—	—	12
—	—	—	15
—	—	—	10
—	—	—	1
—	—	—	15
—	—	—	3
—	—	—	6
—	—	—	8
—	—	—	1
—	—	—	15
55	36	266	11,736

400 1961 FORDS
(From AAR 6 Terminal)

247 1961 CHEVYS
(From Hasa & Metro Systems)

107 1961 DODGES
(From Chase Maintenance)

PRICED RIGHT

...ERSAL AUTO WHOLESALERS, INC.
...RGEST USED TAXI DEALER Larry Shandel, Mgr.
...mmunipaw Avenue, Jersey City 4, N. J.
New York Phone: BO 9-0216

...ed to buy Chrysler (with 1953 and 1954 ... Michael Alexander, 132 W. 73rd St. NYC 23 SChuyler 4-4532.

SEEKING TO BUY into taxicab partnership. Call bet. 7 p.m. and 10 p.m., TRemont 2-4476.

FOR SALE: Clock and Medallion, (cab optional). Call HI 4-4033.

LEGAL NOTICES

Notice is hereby given that license number [illegible] has been issued to the undersigned to sell Liquor, Wine and Beer at retail in a Restaurant under the Alcoholic Beverage Control Law for on premises consumption at 5-7 Ft. Washington Ave. NYC. John J. Corry.

Notice is hereby given that license number [illegible] has been issued to the undersigned to sell Liquor, Wine and Beer at retail in a Restaurant under the Alcoholic Beverage Control Law for on premises consumption at 432 Lenox Ave. NYC. M. F. Rest., Inc., D3A Paris Bar.

Notice is hereby given that license number [illegible] has been issued to the undersigned to sell Liquor, Wine and Beer at retail in a Restaurant under the Alcoholic Beverage Control Law for on premises consumption at 7 E. 20th St. NYC 16. Lumac Rest, Inc.

OWNERSHIP STATEMENT

STATEMENT REQUIRED BY THE ACT OF AUGUST 24, 1912, AS AMENDED BY THE ACTS OF MARCH 3, 1933, JULY 2, 1946 AND JUNE 11, 1960 (76 Stat. 209) SHOWING THE OWNERSHIP, MANAGEMENT, AND CIRCULATION OF:

TAXI WEEKLY, published weekly at New York for Oct. 1, 1962.

1. The names and addresses of the publisher, editor, managing editor and business manager are:

Publisher, Les Paterman, 161 W. 54th St., N. Y. 19.

Editor, Les Paterman, 161 W. 54th St., N. Y. 19.

Managing Editor, None.

Business Manager, None.

2. The owner is: (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding 1 per cent or more of total amount of stock. If not owned by a corporation, the name and addresses of the individual owners must be given. If owned by a partnership or other unincorporated firm, its name and address as well as that of each individual member, must be given).

Taxi Weekly, Inc., 161 W. 54th St., N. Y. 19.
Abraham Weisinger, 161 W. 54 St., N.Y. 19.
Les Paterman, 161 W. 54th St., N. Y. 19.

3. The known bondholders, mortgagees and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: (If there are none, so state): NONE.

4. Paragraph 2 and 3 include in cases where the stockholders, or security holders appear upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting also the statements in the two paragraphs show the affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and securing holder who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner.

5. The average number of copies of each issue of this publication sold or distributed through the mails or otherwise, to paid subscribers during the 12 months preceding the date shown above was: (This information is required by the Act of June 11, 1960, to be included in all statements regardless of frequency of issue). 5,575.

Abraham Weisinger, Pres.
Les Paterman, Publisher.

Sworn to and subscribed before me this 27 day of September, 1962.

Adele [illegible]
Notary Public, State of New York
No. [illegible] Qualified in New York County
Commission expires, March 30, 1963.

WANTED TO BUY
MARTIN BLAKEMAN
INSURANCE [illegible]
OL. [illegible]
BUY [illegible]

FOR SALE
CABS WITH MEDALLIONS
Prime Locations at
BARNEY GREENSPAN CO.
TAXI AND GENERAL
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NEPTUNE
AUTO BODY
236 EAST 126th STREET
Catering to Taxi Industry
(Formerly with Chester)
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WINDSHIELD WIPERS
IGNITION - CARBURETORS
Chemic Speedo. Repair
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SHOCK ABSORBERS
ELIE KOTLER
704 E. 13th St. - CA 8-2727
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WE SPECIALIZE IN
TAXICAB INSURANCE
Come in and get acquainted.
GILBERT WALKER
257 WEST 55th ST., N.Y.C.
CIrcle 5-3186

(the [illegible]) will be no entrance to the Driveway at 155th Street. Between 4-8 p.m. there will be no southbound traffic on the Driveway to 155th Street. There is only one lane northbound over about one mile, except for evening rush hours when there are two lanes.

Sixth Ave. between 52nd and 58th Sts.—portions will be closed 1 a.m. to 6:30 a.m. Subway construction — wooden planking — difficult traffic at all times.

South St. between Fulton and Pike Slip, partially closed.

FDR Drive — 28th to 41st Sreet, construction, new viaduct.

FDR Drive — 63rd to 72nd Str., sewer construction — one offset lane.

FDR Drive — Battery underpass — Construction.

Central Park — southbound drive — repaving from 110th to 59th Street.

York Ave. — 70-71 Sts., pedestrian underpass, construction.

Lexington Ave. — 22 to 29 St., Con Ed construction.

Fairview Avenue — from Ft. George Ave. to Broadway, construction.

13th St. — Ave. C to First Ave., Con Ed construction.

25th St. — FDR Drive to First Ave., sewer construction.

28th and 29th St. — First Ave. to Park Ave., Con Ed construction.

FOR SALE
CABS WITH MEDALLIONS
Billie Goldman at
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TAXI AND GENERAL INSURANCE
4507 Ft. Hamilton Pkway.
BROOKLYN, N. Y.
UL 3-3820 GE 6-9898

NEPTUNE
AUTO BODY
236 EAST 126th STREET
Catering to Taxi Industry
(formerly with Checker)
Free Towing To Shop
ATwater 9-7077

4:52	pm	...114...	Jet Fly	Chicago	Daily
7:15	pm	...428...	Jet Fly	Pittsburgh	Daily
9:26	pm	...430	Jet Fly	San Francisco	Daily Ex. Sat.
10:12	pm	...460	Jet Fly		

Penn Station Arrivals

DE/PEN

Train numbers Under 100 are from western points. Even numbers 100 throu 198 are from Washington, D.C. Odd numbers 101 thru 199 are from Boston and 200 thru 299 are from Philadelphia.

Below are arrivals of all scheduled long distance trains into Penn Station. Excluded are commuter arrivals which don't provide as many fares except during rush hours.

TRAIN	DUE NY	FREQUENCY
164	1:20 am	Sunday
160	1:35 am	Daily except Sunday
176	2:50 am	Daily except Saturday
286	2:55 am	Sunday
108	7:48 am	Daily
22	7:55 am	Daily
254	8:29 am	Daily except Sat. & Sun.
200	8:47 am	Daily except Sat. & Sun.
234	8:52 am	Saturday
118	8:58 am	Daily
4	9:17 am	Daily
23	9:30 am	Daily
202	9:35 am	Daily except Sat. & Sun
256	9:55 am	Daily except Sunday
48	10 am	Daily
30	10:15 am	Daily
250	10:47 am	Sunday and Holidays
204	10:47 am	Daily except Sunday
170	10:55 am	Daily
100	11:05 am	Daily
114	11:25 am	Daily
206	11:43 am	Daily except Sunday
126	12:20 pm	Daily
104	12:40 pm	Daily
210	1:40 pm	Daily
172	1:50 pm	Daily
58	2:23 pm	Daily
212	2:43 pm	Daily
148	3:00 pm	Daily
120	3:37 pm	Daily
218	4:37 pm	Daily
174	5:40 pm	Daily
32	6:25 pm	Daily
220	6:37 pm	Daily except Saturday
132	6:45 pm	Daily
152	7:35 pm	Daily except Saturday
222	8:00 pm	Daily except Sat. & Sun.
162	8:15 pm	Saturday
290	8:42 pm	Sunday & Holidays
156	8:55 pm	Daily except Saturday
272	8:55 pm	Saturday
16	9:25 pm	Daily except Saturday
284	9:47 pm	Sunday & Holidays
136	9:55 pm	Daily
12	10:25 pm	Saturday
282	11:10 pm	Sunday & Holidays
166	11:20 pm	Sunday & Holidays
158	11:35 pm	Daily except Sunday

STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION, (Act of October 23, 1962; Section 4369, Title 39, United States Code).

1. Date on Filing, Oct. 1, 1965.
2. Title of Publication: TAXI WEEKLY.
3. Frequence of issue: Weekly.
4. Location of known Office of Publication (Street, city, county, state, zip code): 161 W. 54th St., New York, N. Y. 10019.
5. Location of the headquarters or general business offices of the publishers (not printer's) 161 W. 54th St., New York, N. Y. 10019.
6. Names and Addresses of Publishers, Editor, and Managing Editor.
   Publisher: Les Peterman, 161 W. 54th St., New York, N. Y. 10019.
   Editor: Les Peterman, 161 W. 54th St., New York, N. Y. 10019.
   Managing Editor: None.
7. OWNER (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding 1 per cent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a partnership or other unincorporated firm, its names and addresses, as well as that of each individual must be given.) Taxi Weekly Inc., 161 W. 54th St., New York, N. Y. 10019.
   Les Peterman, 161 W. 54th St., New York, N. Y 10019
8. Known bondholders, mortgagees, and other security holders owning or holding 1 per cent of total amount of bonds, mortgages or other securities (If there are none, so state): None.
9. Paragraphs 7 and 8 include, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, also the statements in the two paragraphs show the affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner. Names and addresses of individuals who are stockholders of a corporation which itself it a stockholder or holder of bonds, mortgages or other securities of the publishing corporation have been included in paragraphs 7 and 8 when the interests of such individuals are equivalent to 1 per cent or more of the total amount of the stock of securities of the publishing corporation.
10. This item must be completed for all publications, except those which do not carry advertising other than the publisher's own and which are named in Sections 132.231, 132.232, and 132.233, Postal Manual (Sections 4355a, 4355b, and 4356 of Title 39, United States Code).

	Average No. Copies Each Issue During Preceding 12 Months	Single Issue Nearest to Filing Date
A. Total No. Copies Printed (Net Press Run)	4,690	4,500
B. Paid Circulation		
1. Sales Through Dealers And Carriers, Street Vendors And Counter Sales	None	None
2. Mail Subscriptions	4,156	4,028
C. Total Paid Circulation	4,156	4,028
D. Free Distribution (including samples) By Mail, Carrier or Other Means	431	352
E. Total Distribution (Sum of C and D)	4,587	4,380
F. Office Use, Left-Over, Unaccounted, Spoiled After Printing	103	120
G. Total (Sum of E & F—should equal net press run shown in A)	4,690	4,500

I certify that the statements made by me above are correct and complete. (Signature of editor, publisher, business manager, or owner.) Les Peterman.

TIME		FLIGHT
1:10	am	733
3:20	am	54
3:47	am	103
4:49	am	496
6:15	am	48
6:30	am	36
6:35	am	76
7:15	am	78
10:09	am	346
10:50	am	410
10:54	am	158
12:28	pm	472
2:05	pm	280
2:30	pm	304
4:22	pm	348
4:40	pm	40
5:00	pm	348
5:25	pm	160
5:15	pm	22
5:35	pm	6
6:09	pm	496
8:50	pm	274
9:05	pm	10
9:30	pm	26
10:30	pm	838
10:35	pm	12
11:00	pm	84
12:08	am	30

TIME		FLIGHT
3:35	am	99
6:48	am	818
1:08	pm	029
1:11	pm	976
2:31	pm	928
4:59	pm	979
8:43	pm	816
9:19	pm	977
10:21	pm	912
10:21	pm	926

PA

TIME		FLI
12:25	am	28
12:30	am	13
11:55	am	27
2:55	pm	29
3:05	pm	13
5:55	pm	27
6:55	pm	29
7:10	pm	2
8:29	pm	1
10:25	pm	2
10:50	pm	1

NOTE: All at

Defendants' motion to dismiss the third cause of action is granted. See trial minutes of July 9, 1975.

So ordered.

Thomas P. Griesa
USDJ
7/30/75

12/3/74
Copy Received
Kelley Drye & Warren

MICROFILM
AUG 1 1975

COPY RECEIVED
DEC 3 1974
CASEY, LANE & MITTENDORF

U.S. DISTRICT COURT
AUG 1 1975
S.D. OF N.Y.

Order Denying Motion for New Trial 1613 a

Index No.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TAXI WEEKLY, INC.,

Plaintiff,

-against-

METROPOLITAN TAXICAB BOARD OF TRADE, INC., ET AL.,

Defendants.

NOTICE OF MOTION AND AFFIDAVIT

Nickerson, Kramer, Lowenstein, Nessen, Kamin & Soll
Attorneys for Defendants
919 Third Avenue
New York, N. Y. 10022
(212) 688-1100

To

Attorney for

Service of a copy of the within is hereby admitted

Dated, 19

Attorney for

Motion denied. See minutes of hearing of July 31, 1975.

So ordered

7/31/75

Thomas P. Griesa
U.S.D.J.

MICROFILM
AUG 1 1975
U.S.D.C.
S.D.N.Y.
WF

BEST COPY AVAILABLE

Defendants' motion to dismiss plaintiff's fourth and fifth causes of action [redacted] is granted. See trial minutes of July 8, 1975

So ordered.

Thomas P. Green

U.S.D.J.

7/30/75

MICROFILM
AUG 1 1975

U.S. DISTRICT COURT
FILED
AUG 1 1975
S.D. OF N.Y.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

66 Civil 2827
66 Civ. 2827 (T.P.

TAXI WEEKLY, INC.,

Plaintiff,

- against -

METROPOLITAN TAXICAB BOARD OF TRADE, INC., ET AL.,

Defendants.

STIPULATION

U.S. DISTRICT COURT FILED JAN 21 1976 S.D. OF N.Y.

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned that Taxi Weekly, Inc. received the following moneys for advertisements of a nature described below and those advertisements appeared in Taxi Weekly and Taxi Age in plaintiff's fiscal year 1964, ending March 31, 1964, and that the facts set forth in the table below concerning such advertising and the products advertised are true.

Advertiser (Address)	Amount of Advertising	Location from which Advertising Placed (Adv'g Agency)	Billing Address	Origin of Product Advertised	Nature of Product Advertised
Rockwell Mfg. Co. (Pittsburgh, Penn.)	$ 742.35	Chicago, Ill. (Marsteller, Inc.)	Chicago, Ill.	Hopewell, N.J.; Pittsburgh, Penn.	Taximeters
Wilco Cablites (Atlantic City, N.J.)	56.42	Atlantic City, N.J. (Seymour Lax & Co.)	Atlantic City, N.J.	not stipulated	Taxi accessories (e.g., roof lights)
Studebaker Auto.Sales Corp. (South Bend, Ind.)	2,022.41	S.Bend, Ind. (D'Arcy Adv'g)	S.Bend, Ind.	S.Bend, Ind.; St. Louis, Mo.	Taxicabs
John E. Mitchell Co. (Dallas, Tex.)	300.00	Dallas, Texas (Norsworthy-Mercer, Inc.)	Dallas, Texas	not stipulated	Air conditioning equipment
N.Carolina Dept. of Con. & Dev. (North Carolina)	282.50	High Point, N.C. (Bennett Adv'g)	High Point, N.C.	North Carolina	Tourism
Embassy Tire Co. (Linden, N.J.)	95.00	Elizabeth, N.J. (Park Adv'g)	Elizabeth, N.J.	not stipulated	Tires

Advertiser (Address)	Amount of Advertising	Location from which Advertising Placed (Adv'g Agency)	Billing Address	Origin of Product Advertised	Nature of Product Advertised
Jos. M. Racina Agency (S.Amboy, N.J.)	$ 5.88	South Amboy, N.J.	South Amboy, N.J.	Old Bridge, N.J.	Sale of Business
Checker Motors (Kalamazoo, Mich.)	275.00	Chicago, Ill. (Herbert Baker Adv'g)	Chicago, Ill.	Kalamzaoo, Mich.	Taxicabs
Stern Electronics (Los Angeles, Calif.)	35.84	Los Angeles, Calif.	Los Angeles, Calif.	not stipulated	Two-way Radios
The Hallicrafters Co. (Chicago,Ill.)	53.00	Chicago, Ill. (Henry B. Kreer & Co.)	Chicago, Ill.	Not known	Two-way Radios
Hess Oil & Chem. (Perth Amboy, N.J.)	900.50	Perth Amboy, N.J. and N.Y.C. (Delehanty-Kurnit & Geller, N.Y.C.)	Perth Amboy, N.J.	Products come from outside N.Y.S.	Petroleum Products
Holland-America Line (Holland)	226.80	N.Y.C. (Donahue & Coe, Inc.)	N.Y.C.	International travel	Tourism
Plymouth Div., Chrysler Motors Corp. (Detroit,Mich.)	890.00	Phila., Penn. (N.W. Ayer & Son)	Phila., Penn.	Cars assembled outside N.Y.S.	Taxicabs
Dodge Div.; Chrysler Motors Corp. (Detroit,Mich.)	617.00	Detroit,Mich. (BBD&O)	N.Y.C.	Cars assembled outside N.Y.S.	Taxicabs
Chevrolet Div. (Detroit,Mich.)	900.00	Detroit, Mich. (Campbell-Ewald Co.)	Detroit, Mich.	Not Known	Taxicabs
Chrysler Manhattan Serv. — Chrysler Motors Corp. (Detroit,Mich.)	774.38	N.Y.C. (Rich. LaFond Adv'g)	N.Y.C.	Parts fabricated outside N.Y.S.	Automotive parts and service
J.S. Sapinsley (Dayton,Ohio)	20.00	Dayton,Ohio	Dayton, Ohio	Dayton, Ohio	Sale of taxicab business
Plaza Hotel	560.00	Phila., Pa. (Lavenson Bur.)	Phila., Pa.	N/A	Hotel rooms

Advertiser (Address)	Amount of Advertising	Location from which Advertising Placed (Adv'g Agency)	Billing Address	Origin of Product Advertised	Nature of Product Advertised
Cabalance, Inc. (Jersey City, N.J.)	$ 7.00	Jersey City, N.J.	Jersey City, N.J.	not stipulated	Sale of Taxicabs
T.K.Reynolds (New Milford, Conn.)	3.92	New Milford, Conn.	New Milford, Conn.	N/A	N/A
Mary L. Hegeler (Hagerstown, Md.)	7.00	Hagerstown, Md.	Hagers-Town, Md.	N/A	N/A
Edward D. Cuffe (Upper Montclair, N.J.)	7.67	Upper Montclair N.J.	Upper Montclair, N.J.	N/A	N/A
I.E. Goldberg (Cranford,, N.J.)	3.92	Cranford, N.J.	Cranford, N.J.	N/A	N/A
Betty Shanahan (San Francisco, Calif.)	3.80	San Francisco, Calif.	San Francisco, Calif.	N/A	N/A
Mrs. Glenn Catlin (Marshall, Minn.)	3.50	Marshall, Minn.	Marshall, Minn.	N/A	N/A
Patrick J. Hyde (New Jersey)	3.50	Fort Murray, New Jersey	Fort Murray, New Jersey	N/A	N/A
Samuel Daitch (Oradell, N.J.)	7.00	Oradell, N.J.	Oradell N.J.	N/A	N/A
Total advertising in Category No. 1	$8,804.39				

IT IS HEREBY FURTHER STIPULATED AND AGREED by and between the undersigned that Taxi Weekly, Inc. received the following moneys for advertisements of a nature described below, and these advertisements appeared in Taxi Weekly and Taxi Age in plaintiff's fiscal year 1964, and that the facts set forth in the table below concerning such advertising and the products advertised are true.

Advertiser (Address)	Amount of Advertising	Billing Address	Nature of Product Advertised
Hotel Manhattan (New York, New York)	$ 31.46	New York, N.Y. (Cole, Fischer & Rogow)	Hotel
Circle Line (New York, New York)	436.80	New York, N.Y. (Lennen & Newell)	Manhattan boat tour
This Week Magazine (New York, New York)	3.50	New York, N.Y. (Barrett Callagher)	Magazine
American Airlines (Flushing, New York)	31.36	Flushing, N.Y.	Common carrier, international or national travel, transportation
Top of the Fair (New York, New York)	573 14	New York,N.Y. (Koehl,Landis)	Restaurant
Loew's Hotels (New York, New York)	216.00	New York, N.Y. (Koehl,Landis)	Hotel
Radio Station WHN (New York, New York)	100.00	New York, N.Y.	Radio station
North American Newspaper Alliance, Inc. (New York, New York)	5.88	New York, N.Y.	National newspaper syndicate
Lord & Taylor (New York, New York)	140.00	New York,N.Y. (James R. Flanagan)	Department store
New York Hilton Hotel (New York, New York)	1,078.70	New York,N.Y. (Needham & [illegible])	Hotel
The Waldorf Astoria (New York, New York)	279.92	New York,N.Y. ([illegible] & Charles)	Hotel

Advertiser (Address)	Amount of Advertising	Billing Address	Nature of Product Advertised
Gas Light Club (New York, New York)	$ 26.12	New York,N.Y.	Restaurant
Con Edison (New York, New York)	571.32	New York, N.Y. (BBD & O)	Gas & electricity
Paxton Cigarettes Philip Morris (New York, New York)	450.00	New York,N.Y. (Benton & Bowles)	National brand cigarettes
Metropolitan Baseball Club (New York, New York)	140.00	New York,N.Y.	Baseball games
Herald Tribune (New York, New York)	550.00	New York,N.Y. (Papert Koenig)	Newspaper
New York Times (New York, New York)	29.00	New York, N.Y.	Newspaper
City Squire (New York, New York)	56.64	New York, N.Y. (Koehl, Landis)	Motel
New York Journal-American (New York, New York)	406.40	New York, N.Y. (Kastor,Hilton)	Newspaper
Hayden, Stone & Co. (New York, New York)	50.84	New York,N.Y. (Doremus & Co.)	Broker/dealer
Total advertising in Category No. 2	$5,177.08		

IT IS HEREBY FURTHER STIPULATED AND AGREED by and between the undersigned that Taxi Weekly, Inc. received the following moneys for advertisements of taxicabs and automotive parts and those advertisements appeared in Taxi Weekly and Taxi Age in plaintiff's fiscal year 1964, and that the facts in the table below concerning such advertising and the products advertised are true.

Advertiser (Address)	Amount of Advertising	Billing Address	Origin of Product
Bob Hirsch Dodge (Brooklyn, New York)	$2,060.24	Brooklyn,N.Y. (Richmond)	Cars assembled outside New York
Ebbets Field Dodge (Brooklyn, New York)	796.00	Brooklyn, N.Y. (Richmond)	Cars assembled outside New York
Pittsburgh-Studebaker Taxicab Corp. (New York, New York)	419.00	New York,N.Y.	South Bend, Indiana

Advertiser (Address)	Amount of Advertising	Billing Address	Origin of Product
Wolf Studebaker (New York, New York)	845.04	New York,N.Y.	South Bend, Indiana
King Ford (Bronx, New York)	4,502.70	New York, N.Y. (Miller Adv'g)	Cars assembled outside New York State
Future Motors (Dodge) (L.I. City,N.Y.)	5,835.48	New York, N.Y. (Powerad)	Cars assembled outside New York State
Wolff Motors (Ford) (Brooklyn, New York)	1,416.31	New York,N.Y. (Miller Adv'g)	Cars assembled outside New York State
Tremont Chevrolet (Bronx, New York)	1,967.28	New York,N.Y. (Miller Adv'g)	Not Known
Henry's Plymouth Center (Bronx, New York)	216.00	New York,N.Y. (Pace Adv'g)	Cars assembled outside New York State
Ace Dodge (Brooklyn, New York)	3,147.63	New York,N.Y. (Pace Adv'g)	Cars assembled outside New York State
New Yorker Automobile Co. (Plymouth) (New York, New York)	$ 197.53	New York,N.Y. (Miller Adv'g)	Cars assembled outside New York State
Gallagher Dodge (Bronx, New York)	224.00	New York,N.Y. (Miller Adv'g)	Cars assembled outside New York State
Total advertising in Category No. 3 ...	$21,627.21		

In calendar 1964 6,296 taxicabs were purchased by the New York City medallion taxicab industry.

IT IS HEREBY FURTHER STIPULATED AND AGREED by and between the undersigned that Taxi Weekly, Inc. received the following moneys for advertisements of a nature described below, and these advertisements appeared in Taxi Weekly and Taxi Age, in plaintiff's

fiscal year 1964, and that the facts in the table below [illegible] concerning such advertising and the products advertised are true.

Advertiser (Address)	Amount of Advertising	Billing Address	Nature of Product	Origin of Product
Ramp Maintenance Corp. (Bronx, New York)	$144.00	Bronx, N.Y.	Used Taxicabs	South Bend, Indiana
Cross County Taxi Service (Bronx, New York)	15.68	Bronx, N.Y.	Used Taxicabs	Kalamazoo, Michigan
Dee Bee Garage (Brooklyn, New York)	98.00	Brooklyn. N.Y.	Used Taxicabs	Kalamazoo, Michigan
Jo Fan Maintenance (New York, New York)	215.60	New York, N.Y.	Used Taxicabs	Kalamazoo, Michigan
Total advertising in Category No. 4 ...	$ 473.28			

IT IS HEREBY FURTHER STIPULATED AND AGREED by and between the undersigned that Taxi Weekly, Inc. received the following moneys for advertisements of a nature described below, and these advertisements appeared in Taxi Weekly and Taxi Age, in plaintiff's fiscal year 1964, and that the facts in the table below concerning such advertising and the products advertised are true.

Advertiser (Address)	Amount of Advertising	Billing Address	Nature of Product Advertised
Varick Service Station (New York, New York)	$ 47.04	New York, New York	Petroleum products and automobile parts
Melvin Garage	846.06	Brooklyn, New York	Petroleum products and automobile parts
Harry's Service Station (New York, New York)	477.00	New York, New York	Petroleum products and automobile parts
Circle Cab Co. c/o Gulf Gas Station (Long Island City, New York)	70.56	Long Island City, New York	Petroleum products and automobile parts
Starrett Auto Repairs, Inc. (New York, New York)	332.64	New York, New York	Petroleum products and automobile parts
Safeway Service Station (Bronx, New York)	23.52	New York, New York	Petroleum products and automobile parts

Advertiser (Address)	Amount of Advertising	Billing Address	Nature of Product Advertised
Kings Shell Station (Brooklyn, New York)	266.56	Brooklyn, New York	Petroleum products and automobile parts
NY&A Service (Manhattan, New York)	109.76	New York, New York	Petroleum products and automobile parts
Hittner Garage (New York, New York)	125.44	New York, New York	Petroleum products and automobile parts
Leemilt Petroleum Inc. (Valley Stream, New York)	95.00	Valley Stream, New York	Petroleum products and automobile parts
Haro Service Station (New York, New York)	349.20	New York, New York	Petroleum products and automobile parts
Total advertising in Category No. 5 ...	$2,742.78		

The bulk of petroleum products sold in New York State are imported from outside the State.

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned that Taxi Weekly, Inc. received the following moneys for advertisements of automotive parts, accessories, meters, radios and tires, and these advertisements appeared in Taxi Weekly and Taxi Age, in plaintiff's fiscal year 1964, and that the facts set forth in the table below concerning such advertising and the products advertised are true.

Advertiser (Address)	Amount of Advertising	Billing Address
Joe Yac (Brooklyn, New York)	$ 11.76	Brooklyn, New York
S&T Sales & Service (Brooklyn, New York)	200.00	Brooklyn, New York
Riverside Rim & Wheel (Bronx, New York)	72.00	Bronx, New York

Advertiser (Address)	Amount of Advertising	Billing Address
Penn Battery Mfg. Co. (New York, New York)	627.16	New York, New York
M. Liben Tire Co. (New York, New York)	379.98	New York, New York
E. Kotter (New York, New York)	266.50	New York, New York
Kay Taximeter (New York, New York)	127.50	New York, New York
Frigid Air Conditioning (Brooklyn, New York)	961.74	New York, New York
Efficient Instrument (Argo) (New York, New York)	640.64	New York, New York
Cohen Auto Spring (Brooklyn, New York)	72.00	Brooklyn, New York
Economy Tires (New York, New York)	203.75	New York, New York
Brownfeld Auto Spring (New York, New York)	72.00	New York, New York
Broadway Auto Seat Cover (New York, New York)	78.40	New York, New York
B&M Sales & Service (New York, New York)	260.84	New York, New York
BEM Automatic Transmission (New York, New York)	146.40	New York, New York
Superior Brake (Brooklyn, New York)	164.64	New York, New York
Tech Panel (Binghamton, New York)	114.00	Binghamton, New York
Steel Alloy Products (Long Island City, New York)	148.26	Long Island City, New York
York Radio (New York, New York)	99.96	New York, New York
Royal Auto Transmission (Long Island City, New York)	233.24	Long Island City, New York
Ohmer Recording Instrument (New York, New York)	72.00	New York, New York

Advertiser (Address)	Amount of Advertising	Billing Address
Neptune Auto Body (New York, New York)	311.64	New York, New York
Manhattan Spring & Chasis (New York, New York)	864.00	New York, New York
Modern Auto Radiator (New York, New York)	132.50	New York, New York
Monterey Garage (New York, New York)	7.84	New York, New York
Manhattan Trans. Service, Inc. (New York, New York)	66.15	New York, New York
Excell Auto Parts (New York, New York)	7.84	New York, New York
Auto Spring Specialists (New York, New York)	47.04	New York, New York
Madison Auto (New York, New York)	$ 3.92	New York, New York
Eastern Tire Co. (Brooklyn, New York)	7.84	Brooklyn, New York
Allied Auto Springs (Brooklyn, New York)	16.80	Brooklyn, New York
Total advertising in Category No. 6 ...	$6,418.34	

IT IS HEREBY FURTHER STIPULATED AND AGREED by and between the undersigned that Taxi Weekly, Inc. received the following moneys for advertisements of hotels or YMCA's and these advertisements appeared in Taxi Weekly and Taxi Age, in plaintiff's fiscal year 1964, and that the facts set forth in the table below concerning such advertising and the products advertised are true.

Advertiser (Address)	Amount of Advertising	Billing Address
YMCA's (New York, New York)	$ 376.50	New York, New York (George Walsh Co., I
Travelers Hotel La Guardia airport (Flushing, New York)	1,040.00	New York, New York (Preiss & Brown Ad Inc.)

Advertiser (Address)	Amount of Advertising	Billing Address
G. Washington and Dixie Hotels (New York, New York)	1,273.00	New York, New York (Bank Adv. Inc.)
Lincoln Square Motel (New York, New York)	140.00	New York, New York
Total advertising in Category No. 7 ...	$2,829.50	

IT IS HEREBY FURTHER STIPULATED AND AGREED by and between the undersigned that Taxi Weekly, Inc. received the following moneys for advertisements of a bank which advertises that it finances taxicab purchases, and these advertisements appeared in Taxi Weekly and Taxi Age, in plaintiff's fiscal year 1964, and that the facts set forth in the table below concerning such advertising and the product advertised are true.

Business	Amount of Advertising	Billing Address
Amalgamated Bank (New York, New York)	$1,641.56	D.J.Mendelsohn Agency, Inc. (New York, New York)
Total advertising in Category No. 8 ...	$1,641.56	

NICKERSON, KRAMER, LOWENSTEIN,
NESSEN, KAMIN & SOLL
Attorneys for Defendants

By _____
A Member of the Firm

CASEY, LANE & MITTENDORF
Attorneys for Plaintiff

By _____
A Member of the Firm

McGRATH & COHEN
Attorneys for Defendant
Self Appointed

_____
A Member of the Firm

This stipulation was agreed upon by the attorneys for plaintiff and defendants in a post-trial conference before the Court on January 8, 1976 and corresponds to Court Exhibit X marked on January 8, 1976.

Thomas F. Gurea
U.S.D.J.

Dated: New York, New York
January 13, 1976

_____
Marie W. McIntyre
Defendant appearing in person

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TAXI WEEKLY, INC.,

Plaintiff,

-against-

METROPOLITAN TAXICAB BOARD OF TRADE, INC., et al.,

Defendants.

JUDGMENT

66 Civ. 2827 (TPG)

76,051

This cause came on for trial before the Honorable Thomas P. Griesa, District Judge, and a Jury on July 7, 1975, all parties appearing by counsel, except the estate of George McIntyre, appearing pro se, and the Court having submitted questions to the Jury and the Jury having answered said questions, and the Court having denied the several defendants' motions for a new trial or a remittitur.

Now, in accordance with the special verdict of the Jury, it is hereby ORDERED, ADJUDGED, AND DECREED that plaintiff Taxi Weekly, Inc. and S. L. Peterman have judgment against defendants Metropolitan Taxicab Board of Trade, Inc., Hosynd Publications, Inc., Jack Plotsky, the estate of Morris Heit, Benjamin Botwinick, the estate of George McIntyre, Alfred Zeff, Morris Lefkowitz, Milton Marks, Leon Murstein, Gerald Naren, Ira Suchman and Leonard Schaffran, jointly and severally, in the sum of

$225,000, then trebled to the sum of $675,000, with attorneys' fees in the amount of $200,000, ~~with interest from July 16, 1975 on the sum of $875,000, in the amount of $26,321.92,~~ making a total of ~~$901,321.92,~~ with costs to be taxed.

TPG

$875,000.00

Dated: January 14th, 1976

Thomas P. Griesa
AD

- 1/19/76

CLERK

At a Stated Term of the United States District Court for the Southern District of New York, held in the United States Court House in the Borough of Manhattan, City of New York on the 7th day of July in the year of our Lord, One Thousand Nine Hundred and Seventy five

PRESENT:
HONORABLE: Thomas P. Griesa
United States District Judge.

TAXI Weekly, Inc. + Seymour Peterman
vs
Metropolitan Taxicab Board of Trade, Inc. et al

Docket No 66-2827

Now comes the Plaintiff By Casey, Lane + Mittendorf, Esqs. by Alan R. Wentzel and Charles M. Pratt, Esqs.
and moves the trial of this cause. Likewise comes the Defendant's (1) Estate of Nathan Levine by Dinkes, Mandel and Dinkes, Esqs by Wilbrain Dinkes, Esq. (see other side)

Thereupon a Jury is duly empaneled and sworn, and the cause proceeds to Trial.

JUL 7 1975 Trial begun
JUL 8 1975 "
JUL 9 1975 "
JUL 10 1975 "
JUL 11 1975 Continued
JUL 14 1975 "
JUL 15 1975 " Claim against Nathan Levine - dismissed
JUL 16 1975 " Jury rendered its verdict for PLAFF. see attached Special Verdict Form.
Deft's motion for new Trial as to damages - Decision Reserved.

(AN EXTRACT OF THE MINUTES)

Tom Langone

TAXI WEEKLY, INC. v. METROPOLITAN
TAXICAB BOARD OF TRADE, INC., et al.

(66 Civ. 2827)

Special Verdict Form

1. Do you find that plaintiff Taxi Weekly, Inc. has established by a fair preponderance of the evidence that there was a conspiracy or combination during the time in question against the newspaper Taxi Weekly in unreasonable restraint of trade as defined in the Court's charge:

Yes Yes No _____

2. If your answer to No. 1 is Yes, do you find that the plaintiff has established by a fair preponderance of the evidence that any of the following defendants knowingly entered into such conspiracy or combination?

[Answer Yes or No as to each defendant]

Metropolitan Taxicab Board of Trade, Inc.	Yes
Independent Taxicab Owners Council, Inc. (ITOC)	No
United Taxi Owners Guild, Inc. (UTOG)	No
Hosynd Publications, Inc.	Yes
Jack Plotsky	Yes
Morris Heit	Yes
Benjamin Botwinick	Yes
Salvatore Baron	No
Alfred J. Marks	No

George McIntyre	yes
Alfred Zeff	yes
Morris Lefkowitz	yes
Milton Marks	yes
Leon Murstein	yes
Gerald Naren	yes
Ira Suchman	yes
Leonard Schaffran	yes

3. If your answers to questions No. 1 and No. 2 were Yes, do you find that plaintiff has sustained its burden of proving by a fair preponderance of the evidence that it suffered actual economic injury, as a direct and proximate consequence of such combination or conspiracy?

Yes Yes No _____

4. If your answer to question No. 3 is Yes, state the amount of damages, if any, you find the plaintiff has sustained.

$ 225,000.00

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TAXI WEEKLY, INC. and S.L. PETERMAN,

Plaintiffs,

-against-

METROPOLITAN TAXICAB BOARD OF TRADE, INC., TAXICAB BUREAU, INC., EMPIRE TAXICAB COOPERATIVE, INC., INDEPENDENT TAXICAB OWNERS COUNCIL, INC., UNITED TAXI OWNERS GUILD, INC., HOSYND PUBLICATIONS, INC., JACK PLOTSKY, JEAN HEIT, as Executrix of the Estate of MORRIS HEIT, BENJAMIN BOTWINICK, SALVATORE BARON, DOROTHY MARKS, as Administratrix of the Estate of ALFRED J. MARKS, MARIE McINTYRE, as Administratrix of the Estate of GEORGE McINTYRE, ALFRED ZEFF, MORRIS LEFKOWITZ, MILTON MARKS, LEON MURSTEIN, GERALD NAREN, IRA SUCHMAN, LEONARD SCHAFFRAN and RONALD STOPPELMAN, SHIRLEY LEVINE, ARTHUR LEVINE and MARCIA LEVINE, as Executors of the Estate of NATHAN LEVINE,

Defendants.

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AMENDED JUDGMENT

This cause came on for trial before the Honorable Thomas P. Griesa, District Judge for the Southern District of New York, and a Jury on July 7, 1975; all parties appearing by counsel, except Marie McIntyre, administratrix of the Estate of George McIntyre, appearing pro se; the third, fourth and fifth claims for relief asserted by plaintiff having been dismissed at trial; the claims for relief against Taxicab Bureau, Inc., Empire Taxicab Cooperative, Inc. and Nathan Levine having been dismissed during trial prior to the submission of the case to the jury; and the Court having submitted questions to the jury and the jury having answered said questions and returned a special verdict by finding that Metropolitan Taxicab Board of Trade, Inc., Hosynd Publications, Inc., Jack

Plotsky, Morris Heit, Benjamin Botwinick, George McIntyre, Alfred Zeff, Morris Lefkowitz, Milton Marks, Leon Murstein, Gerald Naren, Ira Suchman and Leonard Schaffran knowingly entered into an unlawful conspiracy or combination which damaged plaintiffs in the amount of $225,000 and finding that Independent Taxicab Owners Council, Inc., United Taxi Owners Guild, Inc., Salvatore Baron and Alfred J. Marks did not enter into such a conspiracy or combination; and the Court having denied the several defendants' motions to set aside the verdict, for judgment n.o.v. and for a new trial or a remittitur, AND A JUDGMENT HAVING BEEN FILED ON JANUARY 16, 1976; IT IS HEREBY ORDERED THAT SAID JUDGMENT IS AMENDED TO THE EXTENT AS PROVIDED ABOVE AND IN ACCORDANCE WITH THE THE SPECIAL VERDICT OF THE JURY IT IS ORDERED, ADJUDGED AND DECREED THAT plaintiffs Taxi Weekly, Inc. and S.L. Peterman have judgment against defendants Metropolitan Taxicab Board of Trade, Inc., Hosynd Publications, Inc., Jack Plotsky, Jean Heit, as executrix of the estate of Morris Heit, Benjamin Botwinick, Marie McIntyre, as administratrix of the estate of George McIntyre, Alfred Zeff, Morris Lefkowitz, Milton Marks, Leon Murstein, Gerald Naren, Ira Suchman and Leonard Schaffran, jointly and severally, in the sum of $225,000, trebled to the sum of $675,000, with attorneys' fees in the amount of $200,000, making a total of $875,000.00 with costs to be taxed.

Dated: FEBRUARY 2, 1976
N. Y.

U. S. D. J.

JUDGMENT ENTERED - FILED
Clerk

Defendants' Notice of Appeal

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TAXI WEEKLY, INC.,

Plaintiff,

- against -

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METROPOLITAN TAXICAB BOARD OF TRADE, INC., HOSYND PUBLICATIONS, INC., JACK PLOTSKY, ESTATE OF MORRIS HEIT, ESTATE OF GEORGE McINTYRE, ALFRED ZEFF, MORRIS LEFKOWITZ, MILTON MARKS, LEON MURSTEIN, GERALD NAREN, IRA SUCHMAN and LEONARD SCHAFFRAN,

Defendants.

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Metropolitan Taxicab Board of Trade, Hosynd Publications, Inc., Jack Plotsky, the Estate of Morris Heit, the Estate of George McIntyre, Alfred Zeff, Morris Lefkowitz, Milton Marks, Leon Murstein, Gerald Naren, Ira Suchman and Leonard Schaffran, defendants above-named, hereby appeal to the United States Court of Appeals for the Second Circuit from the final judgment entered in this action on the 19th day of January, 1976.

Dated: New York, New York
January 29, 1976

ROSENMAN COLIN KAYE PETSCHEK
FREUND & EMIL

By Seymour D. Lewis
Seymour D. Lewis
Attorneys for Defendants
Metropolitan Taxicab Board of Trade, Inc., Hosynd Publications, Inc., Jack Plotsky, Estate of Morris Heit, Estate of George McIntyre, Alfred Zeff, Morris Lefkowitz, Milton Marks, Leon Murstein, Gerald Naren, Ira Suchman and Leonard Schaffran
575 Madison Avenue
New York, N.Y. 10022

BEST COPY AVAILABLE

Service of 3 copies of the
within Appendix is hereby
admitted this 12th day of
April 1976
Signed Casey, Lane & Mittendorf, Charleston, Pratt
Attorney for Plaintiff-Appellee

307 BAR PRESS, Inc., 132 Lafayette St., New York 10013 – 966-3906

(5106)